

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6427

Chapter 4, Laws of 1996

54th Legislature
1996 Regular Session

UNFINISHED NUCLEAR ENERGY FACILITIES--RESTORATION
AND REDEVELOPMENT

EFFECTIVE DATE: 3/6/96

Passed by the Senate February 8, 1996
YEAS 49 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House February 28, 1996
YEAS 93 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 6, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6427** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 6, 1996 - 1:00 p.m.

MIKE LOWRY

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6427

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senate Committee on Energy, Telecommunications & Utilities
(originally sponsored by Senators Snyder, Hargrove, Sutherland, Owen,
Loveland and Newhouse)

Read first time 02/02/96.

1 AN ACT Relating to the restoration and redevelopment of an
2 unfinished nuclear energy facility; amending RCW 80.50.010; adding new
3 sections to chapter 80.50 RCW; adding a new section to chapter 43.21C
4 RCW; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 80.50.010 and 1975-'76 2nd ex.s. c 108 s 29 are each
7 amended to read as follows:

8 The legislature finds that the present and predicted growth in
9 energy demands in the state of Washington requires the development of
10 a procedure for the selection and utilization of sites for energy
11 facilities and the identification of a state position with respect to
12 each proposed site. The legislature recognizes that the selection of
13 sites will have a significant impact upon the welfare of the
14 population, the location and growth of industry and the use of the
15 natural resources of the state.

16 It is the policy of the state of Washington to recognize the
17 pressing need for increased energy facilities, and to ensure through
18 available and reasonable methods, that the location and operation of
19 such facilities will produce minimal adverse effects on the

1 environment, ecology of the land and its wildlife, and the ecology of
2 state waters and their aquatic life.

3 It is the intent to seek courses of action that will balance the
4 increasing demands for energy facility location and operation in
5 conjunction with the broad interests of the public. Such action will
6 be based on these premises:

7 (1) To assure Washington state citizens that, where applicable,
8 operational safeguards are at least as stringent as the criteria
9 established by the federal government and are technically sufficient
10 for their welfare and protection.

11 (2) To preserve and protect the quality of the environment; to
12 enhance the public's opportunity to enjoy the esthetic and recreational
13 benefits of the air, water and land resources; to promote air
14 cleanliness; and to pursue beneficial changes in the environment.

15 (3) To provide abundant energy at reasonable cost.

16 (4) To avoid costs of complete site restoration and demolition of
17 improvements and infrastructure at unfinished nuclear energy sites, and
18 to use unfinished nuclear energy facilities for public uses, including
19 economic development, under the regulatory and management control of
20 local governments and port districts.

21 NEW SECTION. Sec. 2. A new section is added to chapter 80.50 RCW
22 to read as follows:

23 (1) This section applies only to unfinished nuclear power projects
24 that are not located on federal property. If a certificate holder
25 stops construction of a nuclear energy facility before completion,
26 terminates the project or otherwise resolves not to complete
27 construction, never introduces or stores fuel for the energy facility
28 on the site, and never operates the energy facility as designed to
29 produce energy, the certificate holder may contract, establish
30 interlocal agreements, or use other formal means to effect the transfer
31 of site restoration responsibilities, which may include economic
32 development activities, to any political subdivision or subdivisions of
33 the state composed of elected officials. The contracts, interlocal
34 agreements, or other formal means of cooperation may include, but are
35 not limited to provisions effecting the transfer or conveyance of
36 interests in the site and energy facilities from the certificate holder
37 to other political subdivisions of the state, including costs of

1 maintenance and security, capital improvements, and demolition and
2 salvage of the unused energy facilities and infrastructure.

3 (2) If a certificate holder transfers all or a portion of the site
4 to a political subdivision or subdivisions of the state composed of
5 elected officials and located in the same county as the site, the
6 council shall amend the site certification agreement to release those
7 portions of the site that are transferred pursuant to this section.
8 Immediately upon release of all or a portion of the site pursuant to
9 this section, all responsibilities for maintaining the public welfare,
10 including but not limited to health and safety, are transferred to the
11 political subdivision or subdivisions of the state.

12 (3) The legislature finds that ensuring water for site restoration
13 including economic development, completed pursuant to this section can
14 best be accomplished by a transfer of existing surface water rights,
15 and that such a transfer is best accomplished administratively through
16 procedures set forth in existing statutes and rules. However, if a
17 transfer of water rights is not possible, the department of ecology
18 shall, within six months of the transfer of the site or portion thereof
19 pursuant to subsection (1) of this section, create a trust water right
20 under chapter 90.42 RCW containing between ten and twenty cubic feet
21 per second for the benefit of the appropriate political subdivision or
22 subdivisions of the state. The trust water right shall be used in
23 fulfilling site restoration responsibilities, including economic
24 development. The trust water right shall be from existing valid water
25 rights within the basin where the site is located.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 80.50 RCW
27 to read as follows:

28 Council actions pursuant to the transfer of the site or portions of
29 the site under section 2 of this act are exempt from the provisions of
30 chapter 43.21C RCW.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.21C RCW
32 to read as follows:

33 Council actions pursuant to the transfer of the site or portions of
34 the site under section 2 of this act are exempt from the provisions of
35 this chapter.

1 NEW SECTION. **Sec. 5.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and shall take
8 effect immediately.

Passed the Senate February 8, 1996.

Passed the House February 28, 1996.

Approved by the Governor March 6, 1996.

Filed in Office of Secretary of State March 6, 1996.