

MEMBERS PRESENT:

- Chairman Jeffrey
- Vice Chairman Redelsperger
- Assemblyman Mello
- Assemblyman Kovacs
- Assemblyman Dini
- Assemblyman Polish (Absent Excused)
- Assemblyman Schofield
- Assemblyman DuBois
- Assemblyman Rhoads

OTHERS PRESENT:

(Please see attached Guest List)

The meeting was called to order at 2:10 P.M. by chairman Jeffrey, he explained this meeting was called on emergency status and that the five day notice requirement had been waived by unanimous vote of the committee. The attention of the committee was then directed to SB 86.

SB 86

Provides for regulation of transport and disposal of radio-active, chemical and other hazardous material.

Senator Jacobsen was the first to testify, stated that he would cover the highlights of this bill. He explained the interim subcommittee that originated this bill was chaired by former Assemblyman Jack Fielding; other members of this committee were Senator Joe Neal, Assemblyman Todd Bedrosian, Assemblyman Paul Prengaman, Assemblyman Virgil Getto, and Senator Jacobsen. They held six meetings, toured the dumpsite, looked at the medical wastes of the Medical Facility, and toured the test side. They made two visits to Beatty, and the hearings at Beatty were very well attended. They tried to cover all the problems the Health Department had experienced. The Research Department, represented by Sam Holman, was also employed by the interim committee, as their staff researcher.

Senator Jacobsen then covered the following committee recommendations as a result of the study.

The following recommendations are from report Bulletin #81-6

1. Require shipper or producer of radio-active waste to obtain a license from the Health Division to sue the Beatty radio-active waste disposal facility.

- a. Require the licensee to demonstrate his ability to properly package and label the radio-active waste which he is responsible for transporting in conformance with regulations promulgated by the State Board of Health.
- b. Provide for penalties in the event that the licensee violates the regulations.
- c. Provide for revocation of a licensee in the event of violation of the regulations.

2. Prohibit removing any waste, contaminated material, or equipment from the disposal area for personal use.

3. Authorize inspectors and peace officers of the motor carrier division of the Department of Motor Vehicles, the Public Service Commission of Nevada and the Nevada Highway Patrol to enforce regulations promulgated relating to the transportation and handling of radio-active waste.

- a. Permit an inspector or peace officer to impound vehicles with unsafe equipment and detain vehicles radiation leaks.
- b. Permit an officer to order the cleaning up of leaks or spills including repacking of the contents of any unsafe or leaking packages.

4. Establish license fees for the use of radio-active disposal facilities in Nevada.

5. Designate by regulation alternative routes for the transportation of radio-active materials over highways of the State of Nevada, but which do not conflict with the standards established by the United States Department of Transportation.

6. Require motor carriers to acquire a permit from the Public Service Commission which specifically allows him to transport radio-active waste.

- a. Issue permits to carriers who demonstrate their ability to comply with federal and state laws regarding vehicle safety and the handling and transporting of radio-active waste.
- b. Designate liability to the carrier for accepting packages containing radio-active waste.
- c. Require notification to the Public Service Commission of Nevada of shipment of radio-active waste into the State of Nevada.
- d. Authorize the Public Service Commission of Nevada to revoke permits to transport radio-active waste if the carrier fails to comply with federal and state regulations regarding the handling or transportation of radio-active waste, driver safety or vehicle safety.

7. Request the Federal Government to more strictly enforce regulations relating to radio-active waste transportation, to establish responsibility between shippers and carriers for violations of the regulations, and to employ more inspectors to monitor shipments of radio-active waste in Nevada.

8. Recommend to Congress the establishment of additional sites within the United States for the disposal of low level radio-active waste.

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9. Consider establishing a user system for chemical waste disposal in Nevada similar to the user fee system proposed for radio-active waste disposal.

10. Establish a fee schedule which will provide revenue to support adequate regulation of the radio-active material industry. The schedule should provide for annual increases to reflect increasing costs of monitoring, inspection, and perpetual care and maintenance.

11. Allow revenue generated by the user fee system to be used to train the emergency response agencies of the state's communities with regard to hazardous materials.

12. Direct the health division of the Department of Human Resources to report significant technical advances in radio-active waste management to the Legislature.

Senator Glazer stated that during this study it was evident to the committee that medical waste was on the increase. He stated that this study dealt with all the problems that have gone in the past and perhaps will be of concern to us in the future. He stated that the dump site is well run and properly managed and the citizens of Beatty are not upset about having the dump located there.

Senator Glazer said there was not a full time health inspector employed at the Beatty Test Site but was there on occasion or when he was specifically called there and another concern was that he really didn't have any authority to do anything. He stated that it was his feeling that this situation had been rectified.

Specific sections of the study done by the Committee are attached hereto for the convenience of this committee. These sections are marked EXHIBIT "A".

Assemblyman Rhoads wondered if this would be opening up the industry for other states to ship more of their nuclear waste to the Beatty Site for disposal.

Senator Glazer stated that this was a definite possibility but that the dump site would not be storing it at a cheaper rate than anyone else. South Carolina stores the majority of the waste being generated at the present time. Nevada stores only approximately 7% to 10% of the waste generated.

Assemblyman Rhoads asked how soon the idea of a regional dump site would be a reality.

Senator Glazer replied that he feels this will be a reality within two years; designations will have been made for disposal sites. He also stated the Federal Government is the impetus in getting this done. One of the strong points for the Nevada dump site is the fact that a fining process has been instituted. This bill also provides for high standards for the shippers.

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Assemblyman Rhoads wondered if these tight restrictions will have a green light effect on the other states rather than creating a regional dump site. It is his concern that we might be sending out the message that we will take all the waste. Senator Glazer answered that he did not feel this is the message we would be sending. We have a responsibility of the waste generated by our own state.

Senator Jacobsen also said that this bill is attempting to assign responsibility if there are leakages found in the shipments to Nevada. This would enable a patrolman to have the authority to impound any truck in violation, repackage it, and assess the repackaging charges back to the person responsible for the leakage. In this way the responsibility would be traceable from beginning to end. Uniform packaging rules are needed from the government.

Assemblyman Redelsperger wondered if we have the legal right to set regulations if they are not Federal regulations as well.

Senator Jacobsen stated that it was his understanding they did however, legal opinion might be in order.

Mr. Sam Hohmann of the Research Department stated the bill proposes to institute a user permit system, and this would allow the state to revoke that permit if violations occurred by a given user of the disposal site. The Department of Human Resources has a system whereby they contract with an inspection service in other states which inspect the packaging of the generators and shippers.

Assemblyman Redelsperger wondered if these regulations were set up but not instituted by the various shippers within a specified time would that enable this state to refuse shipments if they were not in compliance with regulations.

Senator Jacobsen said, yes that would be the case.

Assemblyman Schofield expressed concern that the bill refers mainly to radio-active and low level radio-active waste but should also speak strongly to the chemical and hazardous waste.

Senator Jacobsen replied that when the bill was drafted there were many things moving through the counties of this state and it was the hope of the subcommittee they could make this bill broad enough to cover most of the shipments that are being shipped now and in the future.

Assemblyman Redelsperger stated that it was his feeling and that of the chairman, that out of the proposed bill regarding hazardous waste, shipping and regulating a subcommittee would review these bills and combine them into one or two more comprehensive bills.

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and welfare of the citizens of the state of Nevada. He does not feel this bill in any way gives the green light to shipper, but is a very necessary piece of legislation and it is his hope that it will be passed immediately without any amendments.

Assemblyman Redelesperger wondered if four times a year was enough for the third party inspections.

Mr. Martelle stated if a shipper violates any of the aspects of the contract they will have the right to have a third party inspection every shipment if necessary. Because of the fragmentation of the Federal regulations, there is not one party responsible for overseeing the existing regulations from the shipper to the Dump Site. He thinks the third party system will provide authority, control, and teeth and will eliminate bad shipments to the site totally. Mr. Martelle stated there will be a considerable increase in costs to the shippers in order for the third party inspection to become a reality. In his opinion with the increase cost to the shippers they are more inclined to comply with the regulations and third party inspections in order to save themselves money in the long run.

At this time, Assemblyman Schofield referred to Section 2, Subsection 2 and wondered about the fiscal impact to the State of Nevada.

Mr. Martelle and Mr. Vaden stated the additional cost to the State would be for Administration purposes only. The entire cost of the third party agreement will be to the shippers and not the State of Nevada. He added that at present \$600,000.00 that has been generated from revenues of the operation of the site for long term care and maintenance of the site after it is closed. Therefore, there will be no additional cost or burden to the State of Nevada. Mr. Martelle stated it is his feeling there should never be any cost to the State for this third party system.

Assemblyman DuBois wondered if the intention of the Department of Human Resources was to inspect at the point of generation and again at the site instead of trying to stop shipments enroute?

Mr. Martelle stated this was exactly the intention of the bill. This procedure is thorough and safe, as opposed to trying to inspect enroute which is not at all satisfactory because they do not have the authority to inspect inside vehicles. Mr. Martelle stressed that third party inspectors will be independent from the industry and U. S. Ecology.

There was considerable discussion regarding the need for emergency legislation. Mr. Martelle explained that if this legislation was not passed the generators of the waste could continue to do as they had been doing in the past and perhaps taking the department to court stating regulations the Department of Health wanted them to comply with no longer apply.

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Perhaps stating previous regulations were put in effect on an emergency measure which has since expired. They might also state that since the legislation produced any legislation on this matter they would simply refuse to comply with regulations that are no longer in existence.

Joanne Buehler, Biologist and Manager of Public Affairs for U. S. Ecology stated she would like to comment on SB 86 and some of the questions that had been asked during the previous testimony. U. S. Ecology is in agreement with the need to control shipping and packaging problems within the industry. They are in support of this legislation and have only one minor concern on Page 3 Section 3, Subsection 1, lines 24 through 26. The concern of U. S. Ecology is they would like to see the Department of Human Resources have regulatory authority to allow certain pieces of equipment to be removed with proper radiological survey. As an example, trailers and the like that have to be moved to Las Vegas for maintenance.

The people that bring equipment onto the site for monitoring need to be able to remove this equipment after proper radiological survey. She also stated that she would be happy to furnish the committee with language that would be appropriate for such instances.

The committee discussed the bill at length and it was decided that Ms. Buehler would present the proposed amendment language for their approval that afternoon regarding the removal of equipment from the dumpsite. The proposed language will include something approximately like this: Section 3, subsection 3 lines 24 through 26 - where it says "From the disposal area for his own personal use" insert at that point a phrase stating that without specific authorization of the department of human resources and without radiological survey. This would solve the problem by giving the Department of Human Resources the authority to take care of the situation.

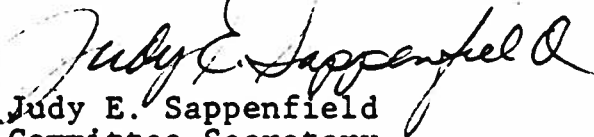
There being no further questions for Ms. Buehler Chairman Jeffrey called for additional testimony on SB 86.

Mr. Bob Warren, Secretary of the Nevada Mining Association was next to testify regarding SB 86. He stated he would like to propose a small amendment that would not hold up the progress of the bill unless it would need to be debated on the floor and if it is accepted in committee there would be no need for floor debate. His concern is that this bill inadvertently places a restriction on mining rock transportation referring directly to uranium. He would therefore like to see it written into the bill that this hereby exempts mine rock and mine rock waste, because when it comes into the state it wouldn't be considered waste. He stated there is extensive exploration in the McDermitt area and uranium has been found that extends into the Oregon side of the border. It is felt that this area will be an area of production of uranium in the future. The rock will be hauled into the Nevada side of the mine for processing because of economic feasibility. Mr. Warren stated the bill was too vague and might be left open for interpretation.

At this time Vice Chairman Redelsperger called for further testimony on SB 86, there being none the public hearing on this matter was closed.

There being no further business before the committee the meeting was adjourned at 4:25 P.M.

Respectfully submitted,



Judy E. Sappenfield
Committee Secretary

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ASSEMBLY
ECONOMIC DEVELOPMENT AND
AGENDA FOR COMMITTEE ON NATURAL RESOURCES
TUESDAY
Date April 7, 1981 Time 2:00 P.M. Room 222

Bills or Resolutions
to be considered

Subject

Counsel
requested*

SB 86

Summary - Provides for regulation of
transport and disposal of radioactive,
chemical and other hazardous materials.

ASSEMBLY STANDING RULE NO. 92 SUSPENDED.

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Assembly Concurrent Resolution No. 62—Assemblymen Bedrosian, FitzPatrick, Jeffrey, Cavnar, Price, Malone, Bremner, Polizzi, Stewart, Brady, Rhoads, Rusk, Glover, Coulter, Banner, Prengaman, Wagner, Genco, Harmon, Dini, Bennett, Chaney, Vergiels, Horn, Hickey, Bergevin, Marvel, Robinson, Hayes, Sena, Fielding, Craddock and Weise

FILE NUMBER 134

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to conduct an interim study of methods used in transporting and disposing of radioactive material.

WHEREAS, The methods used for the safe transportation and disposal of radioactive material in this state are of grave importance to all Nevadans; and

WHEREAS, A recent incident in Nevada illustrates that the procedures used in the handling of radioactive waste may not be adequate; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission is hereby directed to conduct an interim study of the procedures used in handling radioactive material, especially in its transportation and disposal; and be it further

Resolved, That the commission also include in the study procedures for licensing and inspecting private sites for disposal of radioactive waste; and be it further

Resolved, That the legislative commission report the results of the study and any recommended legislation, to the 61st session of the legislature.

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REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 61ST SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Assembly Concurrent Resolution No. 62 of the 60th session of the Nevada legislature, which directs the legislative commission to study the methods used in transporting and disposing of radioactive material.

The legislative commission appointed a subcommittee to make the study and recommend appropriate legislation to the next session of the legislature. Assemblyman Jack F. Fielding was designated chairman of the subcommittee and Senator Lawrence E. Jacobsen as vice chairman. The following legislators were named as members: Senator Joe Neal, Assemblymen Tod Bedrosian, Virgil M. Getto, and Paul Prengaman.

In this report the subcommittee has attempted to present its findings and recommendations briefly and concisely. A great deal of data was gathered in the course of the study. Much of it was provided in the form of exhibits that became part of the minutes of the subcommittee. This information is on file in the research library of the legislative counsel bureau and is readily available to any member.

This report is transmitted to the members of the 1981 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
October 1980

LEGISLATIVE COMMISSION

Senator Keith Ashworth, Chairman
Senator Melvin D. Close, Jr., Vice Chairman

Senator Richard E. Blakemore	Assemblyman Robert R. Barengo
Senator Carl F. Dodge	Assemblyman Joseph E. Dini, Jr.
Senator Lawrence E. Jacobsen	Assemblyman Virgil M. Getto
Senator Thomas R. C. Wilson	Assemblyman Paul W. May
	Assemblyman Robert F. Rusk
	Assemblyman Darrell D. Tanner

SUMMARY OF RECOMMENDATIONS

1. Require shipper or producer of radioactive waste to obtain a license from the health division to use the Beatty radioactive waste disposal facility. (BDR 40-6)
 - a. Require the licensee to demonstrate his ability to properly package and label the radioactive waste which he is responsible for transporting in conformance with regulations promulgated by the state board of health.
 - b. Provide for penalties in the event that the licensee violates the regulations.
 - c. Provide for revocation of a licensee in the event of violation of the regulations.
2. Prohibit removing any waste, contaminated material, or equipment from the disposal area for personal use. (BDR 40-6)
3. Authorize inspectors and peace officers of the motor carrier division of the department of motor vehicles, the public service commission of Nevada and the Nevada highway patrol to enforce regulations promulgated relating to the transportation and handling of radioactive waste. (BDR 40-6)
 - a. Permit an inspector or peace officer to impound vehicles with unsafe equipment and detain vehicles with radiation leaks.
 - b. Permit an officer to order the cleaning up of leaks or spills including repacking of the contents of any unsafe or leaking packages.
4. Establish license fees for the use of radioactive disposal facilities in Nevada. (BDR 40-6)

5. Designate by regulation alternative routes for the transportation of radioactive materials over highways of the State of Nevada, but which do not conflict with the standards established by the United States Department of Transportation. (BDR 40-6)
6. Require motor carriers to acquire a permit from the public service commission which specifically allows him to transport radioactive waste. (BDR 40-6)
 - a. Issue permits to carriers who demonstrate their ability to comply with federal and state laws regarding vehicle safety and the handling and transporting of radioactive waste.
 - b. Designate liability to the carrier for accepting packages containing radioactive waste.
 - c. Require notification to the public service commission of Nevada of shipment of radioactive waste into the State of Nevada.
 - d. Authorize the public service commission of Nevada to revoke permits to transport radioactive waste if the carrier fails to comply with federal and state regulations regarding the handling or transportation of radioactive waste, driver safety or vehicle safety.
7. Request the Federal Government to more strictly enforce regulations relating to radioactive waste transportation, to establish responsibility between shippers and carriers for violations of the regulations, and to employ more inspectors to monitor shipments of radioactive waste in Nevada. (BDR 4)
8. Recommend to Congress the establishment of additional sites within the United States for the disposal of low-level radioactive waste. (BDR 5)
9. Consider establishing a user system for chemical waste disposal in Nevada similar to the user fee system proposed for radioactive waste disposal.

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10. Establish a fee schedule which will provide revenue to support adequate regulation of the radioactive material industry. The schedule should provide for annual increases to reflect increasing costs of monitoring, inspection, and perpetual care and maintenance.
 11. Allow revenue generated by the user fee system to be used to train the emergency response agencies of the state's communities with regard to hazardous materials.
 - 1- 12. Direct the health division of the department of human resources to report significant technical advances in radioactive waste management to the legislature.