

MEMBERS PRESENT: Chairman Jeffrey
Vice Chairman Redelsperger
Assemblyman Dini
Assemblyman DuBois
Assemblyman Kovacs
Assemblyman Mello
Assemblyman Polish
Assemblyman Schofield

MEMBERS ABSENT: Assemblyman Rhoads (excused)

OTHERS PRESENT: Joanne Buehler
Sam Holman

The meeting was called to order by Chairman Jeffrey at 3:10 p.m. He called for a report from the subcommittee regarding the hazardous waste legislation.

Joanne Buehler was the first to testify on SB 86. She stated that the committee should keep in mind the competitiveness in costs with other states. Other states charge per cubic foot of waste as is presently being done in this state. On lines 2 and 3, on page 2, of AB 503, it says for all cubic radioactive waste including its packaging, this drastically changes the rates. The \$1.25 distorts to a completely different price entirely, because you are talking about a significant amount of packaging versus the amount of material that is inside of it. Sometimes the packaging doubles or triples the total amount of a disposal material simply because of all the protective packaging that goes around it. If you were to take third party inspection and this money and put it together, it works out to a much greater amount than \$1.25. It will be a variable rate for the cubic foot depending on the packaging volume that is included in it.

Assemblyman Kovacs wondered if we are asking for enough money.

Ms. Buehler said that she is saying that more than \$1.25 is being asked per cubic foot for the waste and \$1.25 is competitive, which SB 86 says it would have to be. If you assume it is for cubic foot of waste including packaging it will be higher, and, therefore, probably not competitive, but will probably be more on the prohibitive side. The way it is written in this law and the way SB 86 is written is in conflict with what the State Board of Health is supposed to be doing. It is her feeling it would be hamstringing them in their charge.

Mr. Sam Holman of the Research Division stated that an example of the numbers being discussed by Ms. Buehler is if you have a cubic inch of waste and it requires a box that is a cubic foot, the cost will be 144 times greater than you would have if it were just based on the volume of the waste itself:

Assemblyman Kovacs stated that there would be times when he supposed it would be necessary for protection's sake to package larger than the volume of the waste.

Ms. Buehler stated the packaging requirements were D.O.T. packaging requirements and were not burial requirements. Some burial of these materials would require absolutely no packaging whatsoever to meet NRC specifications on them. It is simply a matter of transportation. The purpose is to keep goods from being overly jostled, so as to avoid excessive settling, which jeopardizes the security of packaging.

What she is trying to say is that if you are trying to keep in line with SB 86 the structuring of AB 503 is in conflict with standard practice in the industry in the other states.

Assemblyman Kovacs wondered if that were including the packaging or is it the \$1.25 that is disturbing her.

Ms. Buehler replied in that case it is the packaging. There is another problem on page 1. It includes the packaging that throws the \$1.25 out of line in terms with what SB 86 is asking and in comparison with other states. The packaging is a variable thing and it is included in the other rates.

Assemblyman Kovacs wondered what the objection was on page 1.

Ms. Buehler stated that if you look at amendment No. 1171, (attached) second line, it says the State Board of Health shall establish regulation, license fees and other fees for the operation in an amount to defray all other costs for monitoring, securing and otherwise regulating storage and disposal of radioactive waste materials and chemical wastes. That puts the State Board of Health in charge of setting the fees on chemical wastes, and then AB 196 distinctly separates the responsibilities of chemical and hazardous in the environmental department and is in direct conflict with AB 196.

Chairman Jeffrey noted there is a conflict notice on all these bills that will have to be worked out with the legal department.

At this time Chairman Jeffrey called for a motion on AB 503. Assemblyman Kovacs moved for an AMEND removing the language "and including its packaging"; in other words the language on lines 2 and 3 of page 2 will be bracketed out. Therefore, the motion is for an AMEND and DO PASS, the motion was seconded and carried unanimously.

Chairman Jeffrey called for action on AB 640 and SB 381. Assemblyman Rhoads moved for a DO PASS on AB 460, the motion was seconded by Assemblyman DuBois. All Assemblymen present voted in favor, and the motion carried. Assemblymen Redelsperger, Dini and Polish were absent from the vote.

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Chairman Jeffrey then called for action regarding SB 381. He stated that he needs a motion to rescind the amendment on SB 381 and put the bill back to its original form; then an amendment will be adopted that will take care of the minor changes that need to be made.

Assemblyman Schofield moved to rescind the previous amendment to SB 381 and Assemblyman Rhoads seconded the motion. The motion to rescind the previous action carried unanimously with Assemblymen Polish, Dini and Redelsperger absent from the vote.

At this time Assemblyman Schofield moved that the committee AMEND and DO PASS SB 381 with Amendment No. 1172; the motion was seconded by Mr. DuBois; the motion carried unanimously with Assemblymen Polish, Redelsperger and Dini absent from the vote.

There being no further business before the committee, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Judy E. Sappenfield
Committee Secretary

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Assembly	AMENDMENT BLANK
Adopted	Adopted	AMENDMENTS to	Assembly
Lost	Lost	503	Joint
Date:	Date:	Resolution No.	
Initial:	Initial:	BDR	40-1441
Concurred in	Concurred in	Proposed by	Committee on Economic Development
or concurred in	Not concurred in.		and Natural Resources
Date:	Date:		
Initial:	Initial:		

Amendment N^o 1171

Resolves conflict with section 9 of Senate Bill No. 86.
Makes substantive change.

Amend section 1, page 1, by deleting lines 2 through 21 and inserting:
459.045 The state board of health shall establish by regulation:

1. license fees and any other fees for the operation of state-owned areas in an amount sufficient to defray all costs of monitoring, securing or otherwise regulating the storage or disposal of radioactive materials and chemical wastes. The person who contracts with the state for the operation of such an area is responsible for the payment of these fees.
2. Procedures for the collection of interest on delinquent fees and other accounts for the operation of disposal areas.
3. Penalties of no more than \$3,000 per day for each separate failure to comply with an agreement, license, regulation or statute governing the operation of a disposal area.
4. License fees and other fees for the use of such an area to store or dispose of radioactive materials, which are chargeable against shippers or brokers in amounts sufficient to defray the costs to the state of inspecting, monitoring, securing or otherwise regulating their use of the area. (In addition, the board may establish by regulation a fee chargeable against shippers and brokers for revenue for the State of Nevada. Before establishing a fee for revenue, the board must consider the amounts of the fees for licensing and disposal which are chargeable against the users of such areas in other states, in order that a shipper or broker be neither encouraged nor discouraged from disposing of such waste in this state, and that he base

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his decision about where to dispose of the waste primarily on the cost of transportation to the areas which are available for disposal. The regulations adopted pursuant to this subsection may include a method for the collection of fees from the users of an area, and each of the fees may be a percentage of the fee paid by a user to the operator of the area. The board shall report to the legislature at the end of January of odd-numbered years the amounts of revenue paid to the state for the use of such areas in the preceding biennium.]

5. In addition to the fees which are imposed pursuant to subsections 1 to 4, inclusive, of this section, the health division shall collect from the shippers and brokers, in order".

Amend section 1, page 2, line 2, by deleting "S25" and inserting

~~"S25"~~

NOT LESS THAN \$1.25

ASSEMBLY BILL NO. 503—ASSEMBLYMEN HORN, JEFFREY,
VERGIELS, BARENGO, MELLO AND DINI

APRIL 14, 1981

Referred to Committee on Economic Development and
Natural Resources

SUMMARY—Establishes fee per cubic foot for radioactive waste disposed
of in areas owned by the state. (BDR 40-1441)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to radioactive waste; establishing a fee for each cubic foot of
radioactive waste and its packaging which is disposed of in state-owned dis-
posal areas; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. NRS 459.045 is hereby amended to read as follows:
2 459.045 The state board of health [may establish] shall, by regu-
3 lation []
4 [] establish:
5 (a) License fees and any other fees for the [use] operation of state-
6 owned disposal areas in an amount sufficient to defray all costs of moni-
7 toring, securing or otherwise regulating the storage or disposal of
8 radioactive materials and chemical wastes. The person who contracts with
9 the state for the [use] operation of such an area is responsible for the
10 payment of these fees.
11 [2.] (b) Procedures for the collection of interest on delinquent fees
12 and other accounts for the [use] operation of disposal areas.
13 [3.] (c) Penalties of no more than \$3,000 per day for each separate
14 failure to comply with [a license or agreement or \$25,000 for any 30-day
15 period for all such failures.] any law, regulation, agreement or license
16 governing the operation of a disposal area.
17 (d) License fees for the use of such an area to store or dispose of radio-
18 active materials. These fees may be charged to shippers or brokers in
19 amounts sufficient to defray the cost to the state of issuing the licenses.
20 2. In addition to the fees which are imposed pursuant to subsection
21 1, the health division shall collect from the shippers and brokers, in order
22 to pay for the cost to the state of inspecting, monitoring, securing and

- 1 otherwise regulating the use of the area and to raise revenue for the state,
- 2 a fee at the rate of \$25 per cubic foot for all radioactive waste, including
- 3 its packaging, which is stored or disposed of in such an area.