

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
March 4, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 9:20 a.m., Wednesday, March 4, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman  
Senator James N. Kosinski, Vice Chairman  
Senator Richard E. Blakemore  
Senator Wilbur Faiss  
Senator Virgil M. Getto  
Senator James H. Bilbray

STAFF MEMBERS PRESENT:

Samuel F. Hohmann, Senior Research Analyst, Science and Technology  
Connie S. Richards, Committee Secretary

SENATE BILL NUMBER 87 (EXHIBIT C)

Mr. Al Edmundson, Bureau Chief, Consumer Health Protection Services submitted a list of proposed amendments to the committee (See Exhibit D).

Mr. Robert Warren, Executive Secretary, Nevada Mining Association told the committee there has been extensive exploration in Nevada for uranium mineralization, and several major ore bodies have been identified. He expressed a concern over the phrase "and significant" on page 1, Section 2, line 4. He said that this phrase could allow anti-nuclear groups to discourage future uranium development and mining in Nevada. He asked the committee to consider removing this phrase from the bill. Mr. Warren pointed out that a citizen's group in Oregon has been attempting to stop all uranium processing and mining operations in that state through an initiative petition. He said if the group is successful in Oregon, they will probably try the same thing in Nevada and felt that the removal of that phrase could stop this from occurring without hurting

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES  
MARCH 4, 1981

the bill in any way.

Mr. Warren asked the committee to consider inserting the words "but not more stringent than" after the words "as stringent as" on page 2, Section 4, Subsection 1 to prevent excesses in regulations that are not appropriate.

Senator Getto moved to amend Senate Bill No 87 by deleting the words "and significant" on page 1, Section 2, line 4.

Senator Bilbray seconded the motion.

The motion carried unanimously.

\*\*\*\*\*

Senator Kosinski moved to change the word "byproducts" to the words "byproduct material" wherever it appears throughout the bill.

Senator Getto seconded the motion.

Mr. Hohmann said the health division should be consulted to determine whether the reference is to byproducts of processes or specific byproduct material, particularly in Sections 1 through 8.

Mr. John Vaden, Supervisor, Division of Health said the original bill had no mention of byproducts at all, but the words "byproduct materials" were used. He asked the committee to return the bill to its original state.

Senator Kosinski amended the above motion subject to division of health and research's findings.

The motion carried unanimously.

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Senator Getto moved to insert the words "but not more stringent than" after the words "as stringent as" on page 2, Section 4, Subsection 1.

Senator Blakemore seconded the motion.

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES  
MARCH 4, 1981

Senator Kosinski said the State of Nevada should make regulations to protect the health of its citizens, not the federal government. He said in some cases, these regulations should be more stringent, and the executive agency should have the power to to establish them as it sees fit.

The motion did not carry. (Senators Kosinski, Neal and Bilbray voted "No".)

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Senator Kosinski moved to "Do Pass as Amended" Senate Bill No. 87.

Senator Bilbray seconded the motion.

The motion carried unanimously.

The Chairman asked that Senate Bill No. 86 be held until Senator Hernstadt's Senate Bill No. 201 can be heard.

There being no further business, the meeting adjourned at 10:06 a.m.

Respectfully submitted:

  
\_\_\_\_\_  
Connie Richards, Committee Secretary

APPROVED BY:

  
\_\_\_\_\_  
Senator Joe Neal, Chairman

DATE: 5-12-81

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities , Room 323 ..

Day Wednesday , Date March 4 , Time 9:00 a.m.

S. B. No. 86--Provides for regulation of transport and disposal of radioactive, chemical and other hazardous materials.

S. B. No. 87--Regulates processing and disposal of certain nuclear byproducts.

SENATE COMMITTEE ON Human Resources and Facilities

DATE: March 4, 1981

EXHIBIT B

PLEASE PRINT	PLEASE PRINT	PLEASE PRINT
NAME	ORGANIZATION & ADDRESS	TELEPHONE
<i>John ...</i>	<i>New York ...</i>	<i>595-4750</i>
<i>John ...</i>	<i>New ...</i>	<i>335-4750</i>
BOB WARREN	NEV MINING ASSN	323-2575
<i>...</i>	<i>League of ...</i>	<i>332-2172</i>
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**S. B. 86**

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SENATE BILL NO. 86—SENATORS JACOBSEN,  
GETTO AND NEAL

JANUARY 27, 1981

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Referred to Committee on Human Resources and Facilities

**SUMMARY**—Provides for regulation of transport and disposal of radioactive, chemical and other hazardous materials. (BDR 40-6)

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

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

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AN ACT relating to radioactive, chemical and other hazardous materials; providing for the regulation of their transport and disposal; clarifying the respective power to adopt regulations respecting nuclear affairs of the state board of health and the health division of the department of human resources; providing penalties; 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. Chapter 459 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 4, inclusive, of this act.
- 3 SEC. 2. 1. *A shipper or producer of radioactive waste, or a broker*  
4 *who receives such waste from another person for the purpose of disposal,*  
5 *shall not dispose of the waste in this state until he obtains a license from*  
6 *the health division to use the disposal area. The health division shall order*  
7 *a shipment of such waste from an unlicensed shipper or broker to be*  
8 *returned to him, except for a package which has leaked or spilled its*  
9 *contents, unless the package has been securely repackaged for return.*
- 10 2. *The health division shall issue a license to use a disposal area to a*  
11 *shipper or broker who demonstrates to the satisfaction of the division*  
12 *that he will package and label the waste he transports or causes to be*  
13 *transported to the disposal area in conformity with the regulations of the*  
14 *state board of health;*
- 15 3. *A shipper or broker violates this section if he transports or causes*  
16 *to be transported to a disposal area any such waste:*
- 17 (a) *Which is not packaged or labeled in conformity with regulations*  
18 *of the state board of health;*
- 19 (b) *Which is not accompanied by a bill of lading or other shipping*  
20 *document prescribed by that board; or*
- 21 (c) *Which leaks or spills from its package, unless, by way of affirmative*



1 defense, the shipper or broker proves that the carrier of the waste was  
2 responsible for the leak or spill,  
3 and if licensed by the board, he may be assessed an administrative penalty  
4 by the health division of not more than \$500, or if not licensed, he is  
5 guilty of a misdemeanor.

6 4. Each container of such waste which is not properly packaged or  
7 labeled, or leaks or spills its contents, constitutes a separate violation, but  
8 the total amount of the penalty or fine for any one shipment must not  
9 exceed \$10,000. In imposing a penalty or fine, the health division or the  
10 court shall consider the substantiality of the violation and the injury or  
11 risk of injury to persons or property in this state.

12 5. The health division, or the board pursuant to NRS 459.100, may  
13 suspend or revoke a license to use a disposal area if it finds that the licen-  
14 see has violated any provision of this chapter. If a license has been  
15 revoked, it may be reinstated only if the licensee demonstrates to the  
16 health division that he will comply with the provisions of this chapter in  
17 all future shipments of waste.

18 SEC. 3. 1. A person who is employed at an area used for the disposal  
19 of radioactive waste and removes from the disposal area any of that  
20 waste, or removes from the disposal area for his own personal use any  
21 machinery or equipment belonging to the operator of the area, shall be  
22 punished by imprisonment in the county jail for not more than 1 year, or  
23 by a fine of not more than \$10,000, or by both fine and imprisonment.

24 2. If a person who violates this section is employed by the operator  
25 of the disposal area, the operator may be fined not more than \$10,000,  
26 in addition to any other penalty provided by law.

27 SEC. 4. 1. Inspectors and peace officers of the motor carrier division  
28 of the department of motor vehicles, the public service commission of  
29 Nevada and the Nevada highway patrol shall enforce those provisions of  
30 sections 2 and 11 of this act which govern the transport and handling  
31 of radioactive waste as they affect the safety of drivers or vehicles, the  
32 leakage or spill of radioactive waste from its package or the emission of  
33 ionizing radiation in an unsafe amount as established by the regulations  
34 of the state board of health.

35 2. The inspector or peace officer may:

36 (a) Impound a vehicle with unsafe equipment; or

37 (b) Detain a vehicle, if any such waste has leaked or spilled from its  
38 package or if he has detected the emission of ionizing radiation in an  
39 unsafe amount, and order the driver of the vehicle to park it in a safe  
40 place, as determined by an officer designated by the state board of health,  
41 pending remedial action by that board.

42 3. After a vehicle has been so detained, an officer designated by the  
43 state board of health may order:

44 (a) The vehicle to be impounded;

45 (b) The leaked or spilled waste to be cleaned up;

46 (c) The contents of any unsafe or leaking package to be repackaged; or

47 (d) Any other appropriate precaution or remedy,

48 at the expense of the shipper or broker, carrier or other person who is  
49 responsible as determined by the health division of the department of  
50 human resources.

1 SEC. 5. NRS 459.030 is hereby amended to read as follows:

2 459.030 For the protection of public health and safety, the health  
3 division shall:

4 1. Develop and conduct programs for the evaluation of hazards asso-  
5 ciated with the use of sources of ionizing radiation.

6 2. Develop programs and formulate, [adopt and promulgate rules  
7 and regulations,] with due regard for compatibility with federal programs,  
8 [for:] *regulations for adoption by the state board of health regarding:*

9 (a) Licensing and regulation of byproduct materials, source materials,  
10 special nuclear materials and other radioactive materials [.] , *including*  
11 *radioactive waste.*

12 (b) Control of other sources of ionizing radiation.

13 3. [Formulate, adopt and promulgate] *Adopt* such [additional rules  
14 and] regulations as may be necessary to administer the provisions of  
15 NRS 459.010 to 459.160, inclusive.

16 4. Collect and disseminate information relating to control of sources  
17 of ionizing radiation, including:

18 (a) Maintenance of a file of all license applications, issuances, denials,  
19 amendments, transfers, renewals, modifications, suspensions and revoca-  
20 tions.

21 (b) Maintenance of a file of registrants possessing sources of ionizing  
22 radiation which require registration under the provisions of NRS 459.010  
23 to 459.160, inclusive, such file to include a record of any administrative  
24 or judicial action pertaining to such registrants.

25 (c) Maintenance of a file of all [rules and] regulations, pending or  
26 promulgated, relating to the regulation of sources of ionizing radiation,  
27 and any proceedings pertaining to [such rules and] *the regulations.*

28 SEC. 6. NRS 459.040 is hereby amended to read as follows:

29 459.040 1. The state board of health shall [provide by rule or regu-  
30 lation] , *with due regard for compatibility with federal programs, adopt*  
31 *regulations for:*

32 (a) General or specific licensing of persons to receive, possess or trans-  
33 fer radioactive materials, or devices or equipment utilizing such materials.  
34 Every such [rule or] regulation shall provide for amendment, suspension  
35 or revocation of licenses.

36 (b) Licensing and regulation of byproduct materials, source materials,  
37 special nuclear materials and other radioactive materials [.] , *including*  
38 *radioactive waste.*

39 (c) Control of other sources of ionizing radiation.

40 2. The health division of the department of human resources may  
41 require:

42 (a) Registration and inspection of sources of ionizing radiation which  
43 do not require specific licensing.

44 (b) Compliance with specific standards to be promulgated by the state  
45 board of health.

46 3. The state board of health may exempt certain sources of ionizing  
47 radiation, or kinds of uses or users of such sources, from the licensing or  
48 registration requirements set forth in this section if the board makes a  
49 finding that the exemption of such sources of ionizing radiation, or kinds



1 of uses or users of such sources, will not constitute a significant risk to  
2 the health and safety of the public.

3 4. [Rules and regulations] *Regulations* promulgated pursuant to  
4 NRS 459.010 to 459.160, inclusive, may provide for recognition of such  
5 other state or federal licenses as the state board of health may consider  
6 desirable, subject to such registration requirements as the state board of  
7 health may prescribe.

8 SEC. 7. NRS 459.045 is hereby amended to read as follows:

9 459.045 The state board of health [may] *shall* establish by regula-  
10 tion:

11 1. License fees and any other fees for the [use] *operation* of state-  
12 owned [disposal] areas in an amount sufficient to defray all costs of  
13 monitoring, securing or otherwise regulating the storage or disposal of  
14 radioactive materials and chemical wastes. The person who contracts  
15 with the state for the [use] *operation* of such an area is responsible for  
16 the payment of these fees.

17 2. Procedures for the collection of interest on delinquent fees and  
18 other accounts for the [use] *operation* of disposal areas.

19 3. Penalties of no more than \$3,000 per day for each separate failure  
20 to comply with [a license or agreement or \$25,000 for any 30-day period  
21 for all such failures.] *an agreement, license, regulation or statute govern-*  
22 *ing the operation of a disposal area.*

23 4. *License fees and other fees for the use of such an area to store or*  
24 *dispose of radioactive materials, which are chargeable against shippers or*  
25 *brokers in amounts sufficient to defray the costs to the state of inspecting,*  
26 *monitoring, securing or otherwise regulating their use of the area. In*  
27 *addition, the board may establish by regulation a fee chargeable against*  
28 *shippers and brokers for revenue for the State of Nevada. Before estab-*  
29 *lishing a fee for revenue, the board must consider the amounts of the fees*  
30 *for licensing and disposal which are chargeable against the users of such*  
31 *areas in other states, in order that a shipper or broker be neither encour-*  
32 *aged nor discouraged from disposing of such waste in this state, and that*  
33 *he base his decision about where to dispose of the waste primarily on the*  
34 *cost of transportation to the areas which are available for disposal. The*  
35 *regulations adopted pursuant to this subsection may include a method for*  
36 *the collection of fees from the users of an area, and each of the fees may*  
37 *be a percentage of the fee paid by a user to the operator of the area. The*  
38 *board shall report to the legislature at the end of January of odd-*  
39 *numbered years the amounts of revenue paid to the state for the use of*  
40 *such areas in the preceding biennium.*

41 SEC. 8. NRS 408.125 is hereby amended to read as follows:

42 408.125 The board may:

43 1. Adopt such rules, bylaws, motions and resolutions, not inconsis-  
44 tent with this chapter, as may be necessary to govern the administration,  
45 activities and proceedings of the department.

46 2. On behalf of the State of Nevada, enter into agreements with any  
47 adjoining state, or any proper agency of such state, for the construction,  
48 reconstruction, improvement, operation and maintenance by any party to  
49 such agreement, in such manner and by such means as may be provided in  
50 the agreement, of bridges over interstate waters, and may enter into like

1 agreements with respect to construction, reconstruction, improvement,  
2 operation and maintenance of highways within the State of Nevada or  
3 such adjoining state, when such highways are at or near the common  
4 boundary of the states.

5 3. Authorize the department to join associations of highway offi-  
6 cials of other states and other organizations which have been heretofore  
7 or may hereafter be established, having as their purpose the interchange  
8 of information, establishment of standards and policies relating to high-  
9 way construction, reconstruction, improvement, maintenance and admin-  
10 istration.

11 4. *Designate by regulation alternative routes for the transport of*  
12 *radioactive, chemical or other hazardous materials over the highways or*  
13 *county roads of this state, in lieu of the preferred highways for such*  
14 *transport designated by the United States Department of Transportation,*  
15 *or approve alternative routes set forth in a proposed county or city ordi-*  
16 *nance if the regulation or ordinance does not conflict with the standards*  
17 *for alternative routes established by the United States Department of*  
18 *Transportation.*

19 SEC. 9. NRS 484.773 is hereby amended to read as follows:

20 484.773 The department of motor vehicles shall adopt reasonable  
21 regulations providing for:

22 1. Minimum binder requirements to secure loads on vehicles against  
23 dangerous displacement and governing the loading and securement of  
24 loads for transportation over public highways by vehicles [.] , *except*  
25 *loads containing radioactive waste.*

26 2. Safety chains and cables for combinations of vehicles.

27 SEC. 10. NRS 484.779 is hereby amended to read as follows:

28 484.779 1. Except as provided in subsection 3, a local authority may  
29 adopt, by ordinance, regulations with respect to highways under its juris-  
30 diction within the reasonable exercise of the police power.

31 (a) Regulating or prohibiting processions or assemblages on the high-  
32 ways.

33 (b) Designating particular highways as one-way highways and requir-  
34 ing that all vehicles thereon be moved in one specific direction.

35 (c) Designating any highway as a through highway, requiring that all  
36 vehicles stop before entering or crossing the highway, or designating any  
37 intersection as a stop or a yield intersection and requiring all vehicles to  
38 stop or yield at one or more entrances to the intersection.

39 (d) Designating truck routes.

40 (e) Regulating the operation of bicycles and requiring the registration  
41 and licensing thereof.

42 (f) Adopting such other traffic regulations as are specifically author-  
43 ized by this chapter.

44 2. An ordinance relating to traffic control enacted under this section  
45 is not effective until official traffic-control devices giving notice of such  
46 local traffic regulations are posted upon or at the entrances to the highway  
47 or part thereof affected as may be most appropriate.

48 3. An ordinance enacted under this section is not effective with  
49 respect to [highways] :



- 1 (a) Highways constructed and maintained by the department of trans-  
2 portation under the authority granted by chapter 408 of NRS; or  
3 (b) Alternative routes for the transport of radioactive, chemical or other  
4 hazardous materials which are governed by regulations of the United  
5 States Department of Transportation,  
6 until the ordinance has been approved by the board of directors of the  
7 department of transportation.

8 SEC. 11. Chapter 706 of NRS is hereby amended by adding thereto  
9 a new section which shall read as follows:

10 1. No common, contract or private motor carrier of property may  
11 transport radioactive waste upon the highways of this state unless he  
12 obtains from the commission a permit specifically allowing him to trans-  
13 port radioactive waste. An interstate common or contract carrier must  
14 register with the commission the certificate issued to him by the Inter-  
15 state Commerce Commission when he applies for such a permit.

16 2. The commission shall issue a permit to a carrier allowing him to  
17 transport radioactive waste if the carrier:

18 (a) Registers his certificate issued by the Interstate Commerce Commis-  
19 sion and complies with the regulations of the public service commission  
20 respecting the registration of interstate carriers; or

21 (b) Demonstrates to the satisfaction of the public service commission  
22 that he complies and will continue to comply with all laws and regulations  
23 of this state and the Federal Government respecting the handling and  
24 transport of radioactive waste and the safety of drivers and vehicles.

25 3. A carrier of radioactive waste shall reject any package containing  
26 such waste which is tendered to him for transport in this state if the pack-  
27 age is leaking or spilling its contents, does not bear a shipping label pre-  
28 scribed by the state board of health or is not accompanied by a bill of  
29 lading or other shipping document in a form prescribed by that board. A  
30 carrier who accepts such waste for transport in this state is liable for any  
31 package in his custody which leaks or spills its contents, does not bear the  
32 required shipping label or is not accompanied by the required shipping  
33 documents, unless, in the case of a leak or spill of such waste and by way  
34 of affirmative defense, the carrier proves that he did not and could not  
35 know of the leak when he accepted the package for transport.

36 4. A carrier of radioactive waste shall notify the commission not less  
37 than 4 nor more than 48 hours before he begins to transport the waste in  
38 this state.

39 5. A carrier is exempt from obtaining the permit required by this sec-  
40 tion if he transports only radioactive waste the possession of which is  
41 exempt from licensing by the state board of health.

42 6. The commission may revoke a certificate issued pursuant to this  
43 chapter, and shall revoke a permit to transport radioactive waste issued  
44 pursuant to this section, or in the case of a carrier whose certificate is  
45 issued by the Interstate Commerce Commission it may file a complaint  
46 with that commission, if it finds that, while transporting radioactive waste,  
47 the carrier has failed to comply with any laws or regulations of this state  
48 or the Federal Government respecting the handling or transport of radio-  
49 active waste and the safety of drivers or vehicles.



STATE OF NEVADA  
DEPARTMENT OF HUMAN RESOURCES  
DIVISION OF HEALTH  
BUREAU OF CONSUMER HEALTH PROTECTION SERVICES

505 EAST KING STREET  
CARSON CITY, NEVADA 89710  
TELEPHONE: (702) 885-4750

620 BELROSE STREET  
LAS VEGAS, NEVADA 89158  
TELEPHONE: (702) 388-0241

PROPOSED AMENDMENTS TO S.B. 87

EXHIBIT D

The Legislative Council Bureau has substituted the word "byproducts" for the words "byproduct material." The United States Regulatory Commission does not accept this substitution. Attached is a letter to NRC and their reply explaining their reasons.

The following changes will be necessary in order to be compatible with NRC:

- Page 2, line 2 - ...which results in [byproducts] byproduct material of uranium or thorium must contain...
- Page 2, line 12 - ...and the [byproducts] byproduct material which resulted...
- Page 2, line 16 - ...and to the [byproducts] byproduct material which resulted from the...
- Page 2, line 30 - ...the [byproducts] byproduct material and land in...
- Page 2, line 33 - ...land and [byproducts] byproduct material so placed...
- Page 2, line 37 - ...the [byproducts] byproduct material and land...
- Page 2, line 42 - ...to examine [byproducts] byproduct material of uranium...
- Page 2, line 46 - ...management of [byproducts] byproduct material must...

In order to be compatible with NRC the following changes should not be made:

- Page 3, line 3
- Page 3, line 13
- Page 4, line 1
- Page 4, line 12
- Page 4, line 38



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

JAN 30 1981

RECEIVED

FEB 04 1981

Mr. John Vaden, Supervisor  
Radiological Health  
Division of Health  
505 East King Street  
Carson City, Nevada 89710

Consumer Health  
Protection Services

EXHIBIT D

Dear Mr. Vaden:

We are pleased to reply to your letter of December 30, 1980, concerning the use of the term "Byproduct Material."

The term, "Byproduct Material" has its origins in the Atomic Energy Act of 1954, Section 11(e). (Enclosure 1) Congress, by that statute, gave the term a precise meaning. The model enabling act adopted by and suggested by the Council of State Governments also incorporates the term (Enclosure 2). In 1978, Congress in passing the Uranium Mill Tailings Radiation Control Act, extended the meaning of the term to also include tailings resulting from the processing of ore primarily for their source material (uranium and thorium) content. (Enclosure 3) Thus, the term "Byproduct Material" has a clear and precise meaning given to it by Federal statute. In the 26 years since its original definition by Congress, it has become incorporated into numerous State statutes and State and Federal regulations.

The proposed use of the alternate term, "Byproducts" will, at a minimum, cause much confusion. The term "byproducts" has a far broader meaning, is not used in the Atomic Energy Act, as amended, and does not possess the narrow and precise meaning as the term "Byproduct Material." We expect the Agreement States, as a matter of compatibility, to follow exactly, the basic terminology of the Atomic Energy Act as amended. More to the point, the use of "Byproducts" in lieu of "Byproduct Materials" is not acceptable to NRC.

Sincerely,

A handwritten signature in cursive script that reads "G. Wayne Kerr".

G. Wayne Kerr, Director  
Office of State Programs

Enclosures:  
As Stated





STATE OF NEVADA  
DEPARTMENT OF HUMAN RESOURCES  
DIVISION OF HEALTH  
BUREAU OF CONSUMER HEALTH PROTECTION SERVICES

*talk* *RL*  
*F/Clinton*

505 EAST KING STREET  
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TELEPHONE: (702) 895-4750

620 BELROSE STREET  
LAS VEGAS, NEVADA 89158  
TELEPHONE: (702) 385-0241

December 30, 1980

EXHIBIT D

G. Wayne Kerr  
Director for State Agreements Program  
Office of State Programs  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Wayne:

We are introducing legislation in the January, 1981 session to implement the model State act for UMTRCA. The head of the State Legislative Counsel Bureau who reviews proposed legislation and regulations for form has objected to the term "Byproduct Material", as not being proper english. He plans to substitute the term "Byproducts" for "Byproduct Material" and is introducing legislation to amend the Nevada Revised Statutes, Chapter 459, to substitute "Byproducts" in each instance where "Byproduct Materials" is mentioned.

I would appreciate your referring this matter to NRC counsel for a determination as to whether:

1. The change in NRS will in any way interfere with acceptance of Nevada's program to retain regulatory authority over uranium mills.
2. The existing Agreement between Nevada and the Commission will need to be changed as regulatory authority over byproduct material was transferred.
3. There are many definitions of the term "byproducts" already in Federal law and particularly in laws associated with NRC, that are not the same as the definition for byproduct material.

Sincerely,

John Vaden  
Supervisor  
Radiological Health

JV/dld