

SENATE BILL NO. 361—SENATORS SHAFFER, AMODEI,
O'DONNELL AND WASHINGTON

MARCH 15, 2001

Referred to Committee on Transportation

SUMMARY—Imposes certain restrictions on transportation of certain hazardous waste and requires state environmental commission to impose certain requirements on storage of that waste. (BDR 40-1246)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to hazardous waste; imposing certain restrictions on the transportation of certain hazardous waste; requiring the state environmental commission to impose certain requirements on the storage of that waste; 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 thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2.** *1. If, notwithstanding the provisions of NRS 459.910, a*
4 *repository for the storage of high-level radioactive waste and spent*
5 *nuclear fuel is located in Nevada, it is unlawful for any person or*
6 *governmental entity, except as otherwise specifically authorized by*
7 *federal law, to transport through any area which is located within 10*
8 *miles of any city or unincorporated town in this state whose population is*
9 *3,000 or more, any high-level radioactive waste or spent nuclear fuel*
10 *intended for storage at or in the repository.*
11 *2. As used in this section:*
12 *(a) "High-level radioactive waste" has the meaning ascribed to that*
13 *term in 10 C.F.R. § 72.3.*
14 *(b) "Spent nuclear fuel" has the meaning ascribed to that term in 10*
15 *C.F.R. § 72.3.*
16 **Sec. 3.** *1. If, notwithstanding the provisions of NRS 459.910, a*
17 *repository for the storage of high-level radioactive waste and spent*
18 *nuclear fuel is located in Nevada, the commission shall, except as*
19 *otherwise specifically prohibited by federal law, adopt such regulations*
20 *as are necessary to ensure that:*



1 (a) Each container used for the storage of any high-level radioactive
2 waste or spent nuclear fuel at or in the repository is placed in a manner
3 that allows for the safe retrieval of the container for maintenance;

4 (b) A facility is located contiguous to the repository which is capable
5 of safely retrieving, repairing and replacing those containers;

6 (c) The repository contains a system for monitoring those containers
7 which:

8 (1) Provides for the continuous monitoring of every exterior surface
9 of every container; and

10 (2) Allows any member of the general public to view at any time
11 each monitoring device and container through a website on the Internet;

12 (d) Representatives of appropriate agencies of this state have complete
13 and unrestricted access to all locations and records necessary to confirm
14 the safety of the repository; and

15 (e) No member of the general public receives, as a result of the
16 management and storage of high-level radioactive waste and spent
17 nuclear fuel inside and outside of the repository and all of its associated
18 facilities, any exposure to radionuclides in excess of:

19 (1) Four millirems per year to the whole body or any single organ
20 through the normal consumption and other use of any ground water;
21 and

22 (2) An annual committed effective dose equivalent of 15 millirems.

23 2. As used in this section:

24 (a) "High-level radioactive waste" has the meaning ascribed to that
25 term in 10 C.F.R. § 72.3.

26 (b) "Spent nuclear fuel" has the meaning ascribed to that term in 10
27 C.F.R. § 72.3.

28 **Sec. 4.** NRS 459.570 is hereby amended to read as follows:

29 459.570 Whenever the director finds that any person is engaging or
30 has engaged in any act or practice which violates any provision of NRS
31 459.400 to 459.560, inclusive, *and section 3 of this act*, or a regulation
32 adopted pursuant to those sections or any term or condition of a permit
33 issued by the department, he may issue an order:

34 1. Specifying the provision which is alleged to have been violated or
35 which is about to be violated;

36 2. Setting forth the facts alleged to constitute the violation;

37 3. Prescribing any corrective action which must be taken and a
38 reasonable time within which it must be taken; and

39 4. Requiring the person to whom the order is directed to appear before
40 the director or a hearing officer appointed by him to show cause why the
41 department should not commence an action against him in district court for
42 appropriate relief.

43 **Sec. 5.** The provisions of this act must not be construed in such a
44 manner as to indicate that the Nevada Legislature or the State of Nevada
45 explicitly or impliedly consents to the location of a repository for the
46 storage of high-level radioactive waste and spent nuclear fuel anywhere in
47 the State of Nevada.

48 **Sec. 6.** This act becomes effective upon passage and approval.

