

HOUSE BILL NO. 203

INTRODUCED BY VELEBER, LORY, FAGG, RAMIREZ, QUILICI

BY REQUEST OF THE DEPARTMENT
OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 13, 1983	Introduced and referred to Committee on Natural Resources.
January 24, 1983	Committee recommend bill do pass. Report adopted. Statement of Intent attached.
January 25, 1983	Bill printed and placed on members' desks.
January 26, 1983	Second reading, do pass.
January 27, 1983	Considered correctly engrossed.
January 28, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 29, 1983	Introduced and referred to Committee on Natural Resources.
March 11, 1983	Committee recommend bill be concurring in. Report adopted.
March 14, 1983	Second reading, concurring in.
March 16, 1983	Third reading, concurring in. Ayes, 42; Noes, 0.

IN THE HOUSE

March 16, 1983

Returned to House.

March 17, 1983

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *203*
2 INTRODUCED BY *Debbie L. Feltz, Ramsey, Lusk*
3 BY REQUEST OF THE DEPARTMENT
4 OF HEALTH AND ENVIRONMENTAL SCIENCES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ADOPT THE NORTHWEST
7 INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE
8 MANAGEMENT; PROVIDING STATEMENTS OF POLICY AND PURPOSE;
9 ESTABLISHING REGULATORY PRACTICES FOR REGIONAL LOW-LEVEL
10 RADIOACTIVE WASTE MANAGEMENT FACILITIES; ESTABLISHING THE
11 NORTHWEST LOW-LEVEL WASTE COMPACT COMMITTEE; AND PROVIDING
12 AN IMMEDIATE EFFECTIVE DATE."
13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Northwest Interstate Compact on Low-Level
16 Radioactive Waste Management. The legislature of the state
17 of Montana approves and ratifies the compact designated as
18 the "Northwest Interstate Compact on Low-Level Radioactive
19 Waste Management", which compact is as follows:

20 NORTHWEST INTERSTATE COMPACT ON

21 LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

22 ARTICLE I — Policy and Purpose

23 The party states recognize that low-level radioactive wastes
24 are generated by essential activities and services that
25 benefit the citizens of the states. It is further recognized

1 that the protection of the health and safety of the citizens
2 of the party states and the most economical management of
3 low-level radioactive wastes can be accomplished through
4 cooperation of the states in minimizing the amount of
5 handling and transportation required to dispose of such
6 wastes and through the cooperation of the states in
7 providing facilities that serve the region. It is the
8 policy of the party states to undertake the necessary
9 cooperation to protect the health and safety of the citizens
10 of the party states and to provide for the most economical
11 management of low-level radioactive wastes on a continuing
12 basis. It is the purpose of this compact to provide the
13 means for such a cooperative effort among the party states
14 so that the protection of the citizens of the states and the
15 maintenance of the viability of the states' economies will
16 be enhanced while sharing the responsibilities of
17 radioactive low-level waste management.

18 ARTICLE II — Definitions

19 As used in this compact:

20 (1) "Facility" means any site, location, structure, or
21 property, excluding federal waste facilities, used or to be
22 used for the storage, treatment, or disposal of low-level
23 waste;

24 (2) "Low-level waste" means waste material which
25 contains radioactive nuclides emitting primarily beta or

1 gamma radiation, or both, in concentrations or quantities
2 which exceed applicable federal or state standards for
3 unrestricted release. Low-level waste does not include waste
4 containing more than 10 nanocuries of transuranic
5 contaminants per gram of material, spent reactor fuel, or
6 material classified as either high-level waste or waste
7 which is unsuited for disposal by near-surface burial under
8 any applicable federal regulations;

9 (3) "Generator" means any person, partnership,
10 association, corporation, or any other entity whatsoever
11 which, as a part of its activities, produces low-level
12 radioactive waste;

13 (4) "Host state" means a state in which a facility is
14 located.

15 ARTICLE III — Regulatory Practices

16 Each party state hereby agrees to adopt practices which will
17 require low-level waste shipments originating within its
18 borders and destined for a facility within another party
19 state to conform to the applicable packaging and
20 transportation requirements and regulations of the host
21 state. Such practices shall include:

22 (1) maintaining an inventory of all generators within
23 the state that have shipped or expect to ship low-level
24 waste to facilities in another party state;

25 (2) periodic unannounced inspection of the premises of

1 such generators and the waste management activities thereon;

2 (3) authorization of the containers in which such
3 waste may be shipped and a requirement that generators use
4 only that type of container authorized by the state;

5 (4) assurance that inspections of the carriers which
6 transport such waste are conducted by proper authorities and
7 appropriate enforcement action is taken for violations;

8 (5) after receiving notification from a host state
9 that a generator within the party state is in violation of
10 applicable packaging or transportation standards, taking
11 appropriate action to assure that such violations do not
12 recur. Such action may include inspection of every
13 individual low-level waste shipment by that generator.

14 Each party state may impose fees upon generators and
15 shippers to recover the cost of the inspections and other
16 practices under this article. Nothing in this article shall
17 be construed to limit any party state's authority to impose
18 additional or more stringent standards on generators or
19 carriers than those required under this article.

20 ARTICLE IV — Regional Facilities

21 (1) Facilities located in any party state, other than
22 facilities established or maintained by individual low-level
23 waste generators for the management of their own low-level
24 waste, shall accept low-level waste generated in any party
25 state if such waste has been packaged and transported

1 according to applicable laws and regulations.

2 (2) No facility located in any party state may accept
3 low-level waste generated outside the region comprising the
4 party states, except as provided in Article V.

5 (3) Until such time as paragraph (2) of this article
6 takes effect as provided in Article VI, facilities located
7 in any party state may accept low-level waste generated
8 outside of any of the party states only if such waste is
9 accompanied by a certificate of compliance issued by an
10 official of the state in which such waste shipment
11 originated. Such certificate must be in such form as may be
12 required by the host state and shall contain at least the
13 following:

14 (a) the generator's name and address;

15 (b) a description of the contents of the low-level
16 waste container;

17 (c) a statement that the low-level waste being shipped
18 has been inspected by the official who issued the
19 certificate or by his agent or by a representative of the
20 United States Nuclear Regulatory Commission and was found to
21 have been packaged in compliance with applicable federal
22 regulations and such additional requirements as may be
23 imposed by the host state;

24 (d) a binding agreement by the state of origin to
25 reimburse any party state for any liability or expense

1 incurred as a result of an accidental release of such waste
2 during shipment or after such waste reaches the facility.

3 (4) Each party state shall cooperate with the other
4 party states in determining the appropriate site of any
5 facility that might be required within the region comprising
6 the party states in order to maximize public health and
7 safety while minimizing the use of any one party state as
8 the host of such facilities on a permanent basis. Each party
9 state further agrees that decisions regarding low-level
10 waste management facilities in its region will be reached
11 through a good faith process which takes into account the
12 burdens borne by each of the party states as well as the
13 benefits each has received.

14 (5) The party states recognize that the issue of
15 hazardous chemical waste management is similar in many
16 respects to that of low-level waste management. Therefore,
17 in consideration of the state of Washington allowing access
18 to its low-level waste disposal facility by generators in
19 other party states, party states such as Oregon and Idaho,
20 which host hazardous chemical waste disposal facilities,
21 will allow access to such facilities by generators within
22 other party states. Nothing in this compact may be construed
23 to prevent any party state from limiting the nature and type
24 of hazardous chemical or low-level wastes to be accepted at
25 facilities within its borders or from ordering the closure

1 of such facilities, so long as such action by a host state
2 is applied equally to all generators within the region
3 composed of the party states.

4 (6) Any host state may establish a schedule of fees
5 and requirements related to its facilities to assure that
6 closure, perpetual care, and maintenance and contingency
7 requirements are met, including adequate bonding.

8 ARTICLE V — Northwest Low-Level Waste Compact Committee
9 The Governor of each party state shall designate one
10 official of that state as the person responsible for
11 administration of this compact. The officials so designated
12 shall together comprise the Northwest Low-Level Waste
13 Compact Committee. The committee shall meet as required to
14 consider matters arising under this compact. The parties
15 shall inform the committee of existing regulations
16 concerning low-level waste management in their states and
17 shall afford all parties a reasonable opportunity to review
18 and comment upon any proposed modifications in such
19 regulations. Notwithstanding any provision of Article IV to
20 the contrary, the committee may enter into arrangements with
21 states, provinces, individual generators, or regional
22 compact entities outside the region comprising the party
23 states for access to facilities on such terms and conditions
24 as the committee may deem appropriate. However, it shall
25 require a two-thirds vote of all such members, including the

1 affirmative vote of the member of any party state in which a
2 facility affected by such arrangement is located, for the
3 committee to enter into such arrangement.

4 ARTICLE VI — Eligible Parties and Effective Date

5 (1) Each of the following states is eligible to become
6 a party to this compact: Alaska, Hawaii, Idaho, Montana,
7 Oregon, Utah, Washington, and Wyoming. As to any eligible
8 party, this compact shall become effective upon enactment
9 into law by that party, but it shall not become initially
10 effective until enacted into law by two states. Any party
11 state may withdraw from this compact by enacting a statute
12 repealing its approval.

13 (2) After the compact has initially taken effect
14 pursuant to paragraph (1) of this article, any eligible
15 party state may become a party to this compact by the
16 execution of an executive order by the Governor of the
17 state. Any state which becomes a party in this manner shall
18 cease to be a party upon the final adjournment of the next
19 general or regular session of its Legislature or July 1,
20 1983, whichever occurs first, unless the compact has by then
21 been enacted as a statute by that state.

22 (3) Paragraph (2) of Article IV of this compact shall
23 take effect on July 1, 1983, if consent is given by
24 Congress. As provided in Public Law 96-573, Congress may
25 withdraw its consent to the compact after every 5-year

1 period.

2 ARTICLE VII — Severability

3 If any provision of this compact or its application to
4 any person or circumstance is held to be invalid, all other
5 provisions of this compact and the application of all of its
6 provisions to all other persons and circumstances shall
7 remain valid, and to this end the provisions of this compact
8 are severable.

9 Section 2. Administration of compact — fees. (1) The
10 department of health and environmental sciences, as the
11 state radiation control agency, shall administer the
12 provisions of the compact.

13 (2) The department may assess and collect fees for
14 services rendered in inspecting and regulating low-level
15 radioactive waste generators, transporters, and disposal
16 facilities. Such fees must cover the department's costs for
17 those services and must be deposited in the earmarked
18 revenue fund for use by the department. State and local
19 government agencies, including the university system, are
20 exempt from the payment of fees.

21 (3) The department may adopt rules under the authority
22 contained in 75-3-201(3)(b) to implement the provisions of
23 this compact.

24 Section 3. Severability. If a part of this act is
25 invalid, all valid parts that are severable from the invalid

1 part remain in effect. If a part of this act is invalid in
2 one or more of its applications, the part remains in effect
3 in all valid applications that are severable from the
4 invalid applications.

5 Section 4. Codification instruction. Sections 1 and 2
6 are intended to be codified as an integral part of Title 75,
7 chapter 3, and the provisions of Title 75, chapter 3, apply
8 to sections 1 and 2.

9 Section 5. Effective date. This act is effective on
10 passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 113-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 17, 1983, there is hereby submitted a Fiscal Note for House Bill 203 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 203 adopts the Northwest Interstate Compact on Radiation Waste Management and establishes fees for radioactive waste generators.

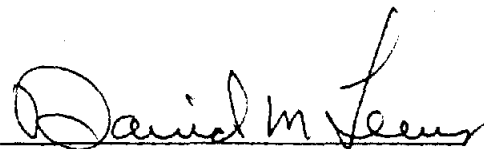
ASSUMPTIONS:

- 1) The amount of low-level radioactive waste generated in Montana will remain relatively constant.
- 2) The inspections of low-level radioactive waste shipments can be performed by DHES along with other radiological health inspections and thus result in essentially no additional expenditures.
- 3) The State of Washington will continue as presently planned to fund travel expenses incurred by the Low-level Radioactive Waste Management Compact Committee.

FISCAL IMPACT:

	<u>Current Biennium</u>	<u>85 Biennium</u>	<u>87 Biennium</u>
Generator Fees Collected	-0-	-0-	120.00
Expenditures	-0-	-0-	-0-

FISCAL NOTE 4:T/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-19-83

1 STATEMENT OF INTENT

2 HOUSE BILL 203

3 House Natural Resources Committee

4
5 A statement of intent is required for this bill because
6 it delegates rulemaking authority to the Department of
7 Health and Environmental Sciences. The purpose of this bill
8 is to authorize the State of Montana to participate in the
9 Northwest Interstate Compact on Low-Level Radioactive Waste
10 Management. Member states agree to adopt practices
11 (primarily on-site inspections) to assure that low-level
12 waste shipments conform to the packaging and transportation
13 requirements of the state where the waste is to be disposed.
14 As a member, Montana will be able to send its low-level
15 wastes to a disposal site in Washington.

16 The Department of Health already has rulemaking
17 authority (75-3-201(3)(b), MCA) for the regulation of
18 low-level radioactive wastes. This bill makes that existing
19 authority applicable to the implementation of the terms of
20 the Compact. The Department is also authorized to assess
21 fees for the recovery of the costs of on-site inspections.
22 Fees are to be assessed for that purpose only.

Approved by Committee
on Natural Resources

HOUSE BILL NO. 203

INTRODUCED BY VELEBER, LORY, FAGG, RAMIREZ, QUILICI

BY REQUEST OF THE DEPARTMENT

OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO ADOPT THE NORTHWEST
INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE
MANAGEMENT; PROVIDING STATEMENTS OF POLICY AND PURPOSE;
ESTABLISHING REGULATORY PRACTICES FOR REGIONAL LOW-LEVEL
RADIOACTIVE WASTE MANAGEMENT FACILITIES; ESTABLISHING THE
NORTHWEST LOW-LEVEL WASTE COMPACT COMMITTEE; AND PROVIDING
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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of Montana approves and ratifies the compact designated as
the "Northwest Interstate Compact on Low-Level Radioactive
Waste Management", which compact is as follows:

NORTHWEST INTERSTATE COMPACT ON

LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

ARTICLE I -- Policy and Purpose

The party states recognize that low-level radioactive wastes
are generated by essential activities and services that
benefit the citizens of the states. It is further recognized

that the protection of the health and safety of the citizens
of the party states and the most economical management of
low-level radioactive wastes can be accomplished through
cooperation of the states in minimizing the amount of
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providing facilities that serve the region. It is the
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cooperation to protect the health and safety of the citizens
of the party states and to provide for the most economical
management of low-level radioactive wastes on a continuing
basis. It is the purpose of this compact to provide the
means for such a cooperative effort among the party states
so that the protection of the citizens of the states and the
maintenance of the viability of the states' economies will
be enhanced while sharing the responsibilities of
radioactive low-level waste management.

ARTICLE II -- Definitions

As used in this compact:

(1) "Facility" means any site, location, structure, or
property, excluding federal waste facilities, used or to be
used for the storage, treatment, or disposal of low-level
waste;

(2) "Low-level waste" means waste material which
contains radioactive nuclides emitting primarily beta or

1 gamma radiation, or both, in concentrations or quantities
 2 which exceed applicable federal or state standards for
 3 unrestricted release. Low-level waste does not include waste
 4 containing more than 10 nanocuries of transuranic
 5 contaminants per gram of material, spent reactor fuel, or
 6 material classified as either high-level waste or waste
 7 which is unsuited for disposal by near-surface burial under
 8 any applicable federal regulations;

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 10 association, corporation, or any other entity whatsoever
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 12 radioactive waste;

13 (4) "Host state" means a state in which a facility is
 14 located.

15 ARTICLE III -- Regulatory Practices

16 Each party state hereby agrees to adopt practices which will
 17 require low-level waste shipments originating within its
 18 borders and destined for a facility within another party
 19 state to conform to the applicable packaging and
 20 transportation requirements and regulations of the host
 21 state. Such practices shall include:

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 23 the state that have shipped or expect to ship low-level
 24 waste to facilities in another party state;

25 (2) periodic unannounced inspection of the premises of

1 such generators and the waste management activities thereon;

2 (3) authorization of the containers in which such
 3 waste may be shipped and a requirement that generators use
 4 only that type of container authorized by the state;

5 (4) assurance that inspections of the carriers which
 6 transport such waste are conducted by proper authorities and
 7 appropriate enforcement action is taken for violations;

8 (5) after receiving notification from a host state
 9 that a generator within the party state is in violation of
 10 applicable packaging or transportation standards, taking
 11 appropriate action to assure that such violations do not
 12 recur. Such action may include inspection of every
 13 individual low-level waste shipment by that generator.

14 Each party state may impose fees upon generators and
 15 shippers to recover the cost of the inspections and other
 16 practices under this article. Nothing in this article shall
 17 be construed to limit any party state's authority to impose
 18 additional or more stringent standards on generators or
 19 carriers than those required under this article.

20 ARTICLE IV -- Regional Facilities

21 (1) Facilities located in any party state, other than
 22 facilities established or maintained by individual low-level
 23 waste generators for the management of their own low-level
 24 waste, shall accept low-level waste generated in any party
 25 state if such waste has been packaged and transported

1 according to applicable laws and regulations.

2 (2) No facility located in any party state may accept
3 low-level waste generated outside the region comprising the
4 party states, except as provided in Article V.

5 (3) Until such time as paragraph (2) of this article
6 takes effect as provided in Article VI, facilities located
7 in any party state may accept low-level waste generated
8 outside of any of the party states only if such waste is
9 accompanied by a certificate of compliance issued by an
10 official of the state in which such waste shipment
11 originated. Such certificate must be in such form as may be
12 required by the host state and shall contain at least the
13 following:

14 (a) the generator's name and address;

15 (b) a description of the contents of the low-level
16 waste container;

17 (c) a statement that the low-level waste being shipped
18 has been inspected by the official who issued the
19 certificate or by his agent or by a representative of the
20 United States Nuclear Regulatory Commission and was found to
21 have been packaged in compliance with applicable federal
22 regulations and such additional requirements as may be
23 imposed by the host state;

24 (d) a binding agreement by the state of origin to
25 reimburse any party state for any liability or expense

1 incurred as a result of an accidental release of such waste
2 during shipment or after such waste reaches the facility.

3 (4) Each party state shall cooperate with the other
4 party states in determining the appropriate site of any
5 facility that might be required within the region comprising
6 the party states in order to maximize public health and
7 safety while minimizing the use of any one party state as
8 the host of such facilities on a permanent basis. Each party
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12 burdens borne by each of the party states as well as the
13 benefits each has received.

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15 hazardous chemical waste management is similar in many
16 respects to that of low-level waste management. Therefore,
17 in consideration of the state of Washington allowing access
18 to its low-level waste disposal facility by generators in
19 other party states, party states such as Oregon and Idaho,
20 which host hazardous chemical waste disposal facilities,
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22 other party states. Nothing in this compact may be construed
23 to prevent any party state from limiting the nature and type
24 of hazardous chemical or low-level wastes to be accepted at
25 facilities within its borders or from ordering the closure

1 of such facilities, so long as such action by a host state
2 is applied equally to all generators within the region
3 composed of the party states.

4 (6) Any host state may establish a schedule of fees
5 and requirements related to its facilities to assure that
6 closure, perpetual care, and maintenance and contingency
7 requirements are met, including adequate bonding.

8 ARTICLE V -- Northwest Low-Level Waste Compact Committee
9 The Governor of each party state shall designate one
10 official of that state as the person responsible for
11 administration of this compact. The officials so designated
12 shall together comprise the Northwest Low-Level Waste
13 Compact Committee. The committee shall meet as required to
14 consider matters arising under this compact. The parties
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18 and comment upon any proposed modifications in such
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21 states, provinces, individual generators, or regional
22 compact entities outside the region comprising the party
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24 as the committee may deem appropriate. However, it shall
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1 affirmative vote of the member of any party state in which a
2 facility affected by such arrangement is located, for the
3 committee to enter into such arrangement.

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6 a party to this compact: Alaska, Hawaii, Idaho, Montana,
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13 (2) After the compact has initially taken effect
14 pursuant to paragraph (1) of this article, any eligible
15 party state may become a party to this compact by the
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17 state. Any state which becomes a party in this manner shall
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19 general or regular session of its Legislature or July 1,
20 1983, whichever occurs first, unless the compact has by then
21 been enacted as a statute by that state.

22 (3) Paragraph (2) of Article IV of this compact shall
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25 withdraw its consent to the compact after every 5-year

1 period.

2 ARTICLE VII -- Severability

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4 any person or circumstance is held to be invalid, all other
5 provisions of this compact and the application of all of its
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10 department of health and environmental sciences, as the
11 state radiation control agency, shall administer the
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14 services rendered in inspecting and regulating low-level
15 radioactive waste generators, transporters, and disposal
16 facilities. Such fees must cover the department's costs for
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19 government agencies, including the university system, are
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21 (3) The department may adopt rules under the authority
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24 Section 3. Severability. If a part of this act is
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22 Fees are to be assessed for that purpose only.

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3 BY REQUEST OF THE DEPARTMENT

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 2 which exceed applicable federal or state standards for
 3 unrestricted release. Low-level waste does not include waste
 4 containing more than 10 nanocuries of transuranic
 5 contaminants per gram of material, spent reactor fuel, or
 6 material classified as either high-level waste or waste
 7 which is unsuited for disposal by near-surface burial under
 8 any applicable federal regulations;

9 (3) "Generator" means any person, partnership,
 10 association, corporation, or any other entity whatsoever
 11 which, as a part of its activities, produces low-level
 12 radioactive waste;

13 (4) "Host state" means a state in which a facility is
 14 located.

15 ARTICLE III -- Regulatory Practices

16 Each party state hereby agrees to adopt practices which will
 17 require low-level waste shipments originating within its
 18 borders and destined for a facility within another party
 19 state to conform to the applicable packaging and
 20 transportation requirements and regulations of the host
 21 state. Such practices shall include:

22 (1) maintaining an inventory of all generators within
 23 the state that have shipped or expect to ship low-level
 24 waste to facilities in another party state;

25 (2) periodic unannounced inspection of the premises of

1 such generators and the waste management activities thereon;

2 (3) authorization of the containers in which such
 3 waste may be shipped and a requirement that generators use
 4 only that type of container authorized by the state;

5 (4) assurance that inspections of the carriers which
 6 transport such waste are conducted by proper authorities and
 7 appropriate enforcement action is taken for violations;

8 (5) after receiving notification from a host state
 9 that a generator within the party state is in violation of
 10 applicable packaging or transportation standards, taking
 11 appropriate action to assure that such violations do not
 12 recur. Such action may include inspection of every
 13 individual low-level waste shipment by that generator.

14 Each party state may impose fees upon generators and
 15 shippers to recover the cost of the inspections and other
 16 practices under this article. Nothing in this article shall
 17 be construed to limit any party state's authority to impose
 18 additional or more stringent standards on generators or
 19 carriers than those required under this article.

20 ARTICLE IV -- Regional Facilities

21 (1) Facilities located in any party state, other than
 22 facilities established or maintained by individual low-level
 23 waste generators for the management of their own low-level
 24 waste, shall accept low-level waste generated in any party
 25 state if such waste has been packaged and transported

1 according to applicable laws and regulations.

2 (2) No facility located in any party state may accept
3 low-level waste generated outside the region comprising the
4 party states, except as provided in Article V.

5 (3) Until such time as paragraph (2) of this article
6 takes effect as provided in Article VI, facilities located
7 in any party state may accept low-level waste generated
8 outside of any of the party states only if such waste is
9 accompanied by a certificate of compliance issued by an
10 official of the state in which such waste shipment
11 originated. Such certificate must be in such form as may be
12 required by the host state and shall contain at least the
13 following:

14 (a) the generator's name and address;

15 (b) a description of the contents of the low-level
16 waste container;

17 (c) a statement that the low-level waste being shipped
18 has been inspected by the official who issued the
19 certificate or by his agent or by a representative of the
20 United States Nuclear Regulatory Commission and was found to
21 have been packaged in compliance with applicable federal
22 regulations and such additional requirements as may be
23 imposed by the host state;

24 (d) a binding agreement by the state of origin to
25 reimburse any party state for any liability or expense

1 incurred as a result of an accidental release of such waste
2 during shipment or after such waste reaches the facility.

3 (4) Each party state shall cooperate with the other
4 party states in determining the appropriate site of any
5 facility that might be required within the region comprising
6 the party states in order to maximize public health and
7 safety while minimizing the use of any one party state as
8 the host of such facilities on a permanent basis. Each party
9 state further agrees that decisions regarding low-level
10 waste management facilities in its region will be reached
11 through a good faith process which takes into account the
12 burdens borne by each of the party states as well as the
13 benefits each has received.

14 (5) The party states recognize that the issue of
15 hazardous chemical waste management is similar in many
16 respects to that of low-level waste management. Therefore,
17 in consideration of the state of Washington allowing access
18 to its low-level waste disposal facility by generators in
19 other party states, party states such as Oregon and Idaho,
20 which host hazardous chemical waste disposal facilities,
21 will allow access to such facilities by generators within
22 other party states. Nothing in this compact may be construed
23 to prevent any party state from limiting the nature and type
24 of hazardous chemical or low-level wastes to be accepted at
25 facilities within its borders or from ordering the closure

1 of such facilities, so long as such action by a host state
2 is applied equally to all generators within the region
3 composed of the party states.

4 (6) Any host state may establish a schedule of fees
5 and requirements related to its facilities to assure that
6 closure, perpetual care, and maintenance and contingency
7 requirements are met, including adequate bonding.

8 ARTICLE V -- Northwest Low-Level Waste Compact Committee
9 The Governor of each party state shall designate one
10 official of that state as the person responsible for
11 administration of this compact. The officials so designated
12 shall together comprise the Northwest Low-Level Waste
13 Compact Committee. The committee shall meet as required to
14 consider matters arising under this compact. The parties
15 shall inform the committee of existing regulations
16 concerning low-level waste management in their states and
17 shall afford all parties a reasonable opportunity to review
18 and comment upon any proposed modifications in such
19 regulations. Notwithstanding any provision of Article IV to
20 the contrary, the committee may enter into arrangements with
21 states, provinces, individual generators, or regional
22 compact entities outside the region comprising the party
23 states for access to facilities on such terms and conditions
24 as the committee may deem appropriate. However, it shall
25 require a two-thirds vote of all such members, including the

1 affirmative vote of the member of any party state in which a
2 facility affected by such arrangement is located, for the
3 committee to enter into such arrangement.

4 ARTICLE VI -- Eligible Parties and Effective Date

5 (1) Each of the following states is eligible to become
6 a party to this compact: Alaska, Hawaii, Idaho, Montana,
7 Oregon, Utah, Washington, and Wyoming. As to any eligible
8 party, this compact shall become effective upon enactment
9 into law by that party, but it shall not become initially
10 effective until enacted into law by two states. Any party
11 state may withdraw from this compact by enacting a statute
12 repealing its approval.

13 (2) After the compact has initially taken effect
14 pursuant to paragraph (1) of this article, any eligible
15 party state may become a party to this compact by the
16 execution of an executive order by the Governor of the
17 state. Any state which becomes a party in this manner shall
18 cease to be a party upon the final adjournment of the next
19 general or regular session of its Legislature or July 1,
20 1983, whichever occurs first, unless the compact has by then
21 been enacted as a statute by that state.

22 (3) Paragraph (2) of Article IV of this compact shall
23 take effect on July 1, 1983, if consent is given by
24 Congress. As provided in Public Law 96-573, Congress may
25 withdraw its consent to the compact after every 5-year

1 period.

2 ARTICLE VII -- Severability

3 If any provision of this compact or its application to
4 any person or circumstance is held to be invalid, all other
5 provisions of this compact and the application of all of its
6 provisions to all other persons and circumstances shall
7 remain valid, and to this end the provisions of this compact
8 are severable.

9 Section 2. Administration of compact -- fees. (1) The
10 department of health and environmental sciences, as the
11 state radiation control agency, shall administer the
12 provisions of the compact.

13 (2) The department may assess and collect fees for
14 services rendered in inspecting and regulating low-level
15 radioactive waste generators, transporters, and disposal
16 facilities. Such fees must cover the department's costs for
17 those services and must be deposited in the earmarked
18 revenue fund for use by the department. State and local
19 government agencies, including the university system, are
20 exempt from the payment of fees.

21 (3) The department may adopt rules under the authority
22 contained in 75-3-201(3)(b) to implement the provisions of
23 this compact.

24 Section 3. Severability. If a part of this act is
25 invalid, all valid parts that are severable from the invalid

1 part remain in effect. If a part of this act is invalid in
2 one or more of its applications, the part remains in effect
3 in all valid applications that are severable from the
4 invalid applications.

5 Section 4. Codification instruction. Sections 1 and 2
6 are intended to be codified as an integral part of Title 75,
7 chapter 3, and the provisions of Title 75, chapter 3, apply
8 to sections 1 and 2.

9 Section 5. Effective date. This act is effective on
10 passage and approval.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 203

3 House Natural Resources Committee

4

5 A statement of intent is required for this bill because
6 it delegates rulemaking authority to the Department of
7 Health and Environmental Sciences. The purpose of this bill
8 is to authorize the State of Montana to participate in the
9 Northwest Interstate Compact on Low-Level Radioactive Waste
10 Management. Member states agree to adopt practices
11 (primarily on-site inspections) to assure that low-level
12 waste shipments conform to the packaging and transportation
13 requirements of the state where the waste is to be disposed.
14 As a member, Montana will be able to send its low-level
15 wastes to a disposal site in Washington.

16 The Department of Health already has rulemaking
17 authority (75-3-201(3)(b), MCA) for the regulation of
18 low-level radioactive wastes. This bill makes that existing
19 authority applicable to the implementation of the terms of
20 the Compact. The Department is also authorized to assess
21 fees for the recovery of the costs of on-site inspections.
22 Fees are to be assessed for that purpose only.

REFERENCE BILL

HB 203

HOUSE BILL NO. 203

INTRODUCED BY VELEBER, LORY, FAGG, RAMIREZ, QUILICI

BY REQUEST OF THE DEPARTMENT

OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO ADOPT THE NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT; PROVIDING STATEMENTS OF POLICY AND PURPOSE; ESTABLISHING REGULATORY PRACTICES FOR REGIONAL LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT FACILITIES; ESTABLISHING THE NORTHWEST LOW-LEVEL WASTE COMPACT COMMITTEE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Northwest Interstate Compact on Low-Level Radioactive Waste Management. The legislature of the state of Montana approves and ratifies the compact designated as the "Northwest Interstate Compact on Low-Level Radioactive Waste Management", which compact is as follows:

NORTHWEST INTERSTATE COMPACT ON
LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

ARTICLE I -- Policy and Purpose

The party states recognize that low-level radioactive wastes are generated by essential activities and services that benefit the citizens of the states. It is further recognized

that the protection of the health and safety of the citizens of the party states and the most economical management of low-level radioactive wastes can be accomplished through cooperation of the states in minimizing the amount of handling and transportation required to dispose of such wastes and through the cooperation of the states in providing facilities that serve the region. It is the policy of the party states to undertake the necessary cooperation to protect the health and safety of the citizens of the party states and to provide for the most economical management of low-level radioactive wastes on a continuing basis. It is the purpose of this compact to provide the means for such a cooperative effort among the party states so that the protection of the citizens of the states and the maintenance of the viability of the states' economies will be enhanced while sharing the responsibilities of radioactive low-level waste management.

ARTICLE II -- Definitions

As used in this compact:

(1) "Facility" means any site, location, structure, or property, excluding federal waste facilities, used or to be used for the storage, treatment, or disposal of low-level waste;

(2) "Low-level waste" means waste material which contains radioactive nuclides emitting primarily beta or

1 gamma radiation, or both, in concentrations or quantities
 2 which exceed applicable federal or state standards for
 3 unrestricted release. Low-level waste does not include waste
 4 containing more than 10 nanocuries of transuranic
 5 contaminants per gram of material, spent reactor fuel, or
 6 material classified as either high-level waste or waste
 7 which is unsuited for disposal by near-surface burial under
 8 any applicable federal regulations;

9 (3) "Generator" means any person, partnership,
 10 association, corporation, or any other entity whatsoever
 11 which, as a part of its activities, produces low-level
 12 radioactive waste;

13 (4) "Host state" means a state in which a facility is
 14 located.

15 ARTICLE III -- Regulatory Practices

16 Each party state hereby agrees to adopt practices which will
 17 require low-level waste shipments originating within its
 18 borders and destined for a facility within another party
 19 state to conform to the applicable packaging and
 20 transportation requirements and regulations of the host
 21 state. Such practices shall include:

22 (1) maintaining an inventory of all generators within
 23 the state that have shipped or expect to ship low-level
 24 waste to facilities in another party state;

25 (2) periodic unannounced inspection of the premises of

1 such generators and the waste management activities thereon;

2 (3) authorization of the containers in which such
 3 waste may be shipped and a requirement that generators use
 4 only that type of container authorized by the state;

5 (4) assurance that inspections of the carriers which
 6 transport such waste are conducted by proper authorities and
 7 appropriate enforcement action is taken for violations;

8 (5) after receiving notification from a host state
 9 that a generator within the party state is in violation of
 10 applicable packaging or transportation standards, taking
 11 appropriate action to assure that such violations do not
 12 recur. Such action may include inspection of every
 13 individual low-level waste shipment by that generator.

14 Each party state may impose fees upon generators and
 15 shippers to recover the cost of the inspections and other
 16 practices under this article. Nothing in this article shall
 17 be construed to limit any party state's authority to impose
 18 additional or more stringent standards on generators or
 19 carriers than those required under this article.

20 ARTICLE IV -- Regional Facilities

21 (1) Facilities located in any party state, other than
 22 facilities established or maintained by individual low-level
 23 waste generators for the management of their own low-level
 24 waste, shall accept low-level waste generated in any party
 25 state if such waste has been packaged and transported

1 according to applicable laws and regulations.

2 (2) No facility located in any party state may accept
3 low-level waste generated outside the region comprising the
4 party states, except as provided in Article V.

5 (3) Until such time as paragraph (2) of this article
6 takes effect as provided in Article VI, facilities located
7 in any party state may accept low-level waste generated
8 outside of any of the party states only if such waste is
9 accompanied by a certificate of compliance issued by an
10 official of the state in which such waste shipment
11 originated. Such certificate must be in such form as may be
12 required by the host state and shall contain at least the
13 following:

14 (a) the generator's name and address;

15 (b) a description of the contents of the low-level
16 waste container;

17 (c) a statement that the low-level waste being shipped
18 has been inspected by the official who issued the
19 certificate or by his agent or by a representative of the
20 United States Nuclear Regulatory Commission and was found to
21 have been packaged in compliance with applicable federal
22 regulations and such additional requirements as may be
23 imposed by the host state;

24 (d) a binding agreement by the state of origin to
25 reimburse any party state for any liability or expense

1 incurred as a result of an accidental release of such waste
2 during shipment or after such waste reaches the facility.

3 (4) Each party state shall cooperate with the other
4 party states in determining the appropriate site of any
5 facility that might be required within the region comprising
6 the party states in order to maximize public health and
7 safety while minimizing the use of any one party state as
8 the host of such facilities on a permanent basis. Each party
9 state further agrees that decisions regarding low-level
10 waste management facilities in its region will be reached
11 through a good faith process which takes into account the
12 burdens borne by each of the party states as well as the
13 benefits each has received.

14 (5) The party states recognize that the issue of
15 hazardous chemical waste management is similar in many
16 respects to that of low-level waste management. Therefore,
17 in consideration of the state of Washington allowing access
18 to its low-level waste disposal facility by generators in
19 other party states, party states such as Oregon and Idaho,
20 which host hazardous chemical waste disposal facilities,
21 will allow access to such facilities by generators within
22 other party states. Nothing in this compact may be construed
23 to prevent any party state from limiting the nature and type
24 of hazardous chemical or low-level wastes to be accepted at
25 facilities within its borders or from ordering the closure

1 of such facilities, so long as such action by a host state
2 is applied equally to all generators within the region
3 composed of the party states.

4 (6) Any host state may establish a schedule of fees
5 and requirements related to its facilities to assure that
6 closure, perpetual care, and maintenance and contingency
7 requirements are met, including adequate bonding.

8 ARTICLE V -- Northwest Low-Level Waste Compact Committee
9 The Governor of each party state shall designate one
10 official of that state as the person responsible for
11 administration of this compact. The officials so designated
12 shall together comprise the Northwest Low-Level Waste
13 Compact Committee. The committee shall meet as required to
14 consider matters arising under this compact. The parties
15 shall inform the committee of existing regulations
16 concerning low-level waste management in their states and
17 shall afford all parties a reasonable opportunity to review
18 and comment upon any proposed modifications in such
19 regulations. Notwithstanding any provision of Article IV to
20 the contrary, the committee may enter into arrangements with
21 states, provinces, individual generators, or regional
22 compact entities outside the region comprising the party
23 states for access to facilities on such terms and conditions
24 as the committee may deem appropriate. However, it shall
25 require a two-thirds vote of all such members, including the

1 affirmative vote of the member of any party state in which a
2 facility affected by such arrangement is located, for the
3 committee to enter into such arrangement.

4 ARTICLE VI -- Eligible Parties and Effective Date

5 (1) Each of the following states is eligible to become
6 a party to this compact: Alaska, Hawaii, Idaho, Montana,
7 Oregon, Utah, Washington, and Wyoming. As to any eligible
8 party, this compact shall become effective upon enactment
9 into law by that party, but it shall not become initially
10 effective until enacted into law by two states. Any party
11 state may withdraw from this compact by enacting a statute
12 repealing its approval.

13 (2) After the compact has initially taken effect
14 pursuant to paragraph (1) of this article, any eligible
15 party state may become a party to this compact by the
16 execution of an executive order by the Governor of the
17 state. Any state which becomes a party in this manner shall
18 cease to be a party upon the final adjournment of the next
19 general or regular session of its Legislature or July 1,
20 1983, whichever occurs first, unless the compact has by then
21 been enacted as a statute by that state.

22 (3) Paragraph (2) of Article IV of this compact shall
23 take effect on July 1, 1983, if consent is given by
24 Congress. As provided in Public Law 96-573, Congress may
25 withdraw its consent to the compact after every 5-year

1 period.

2 ARTICLE VII -- Severability

3 If any provision of this compact or its application to
4 any person or circumstance is held to be invalid, all other
5 provisions of this compact and the application of all of its
6 provisions to all other persons and circumstances shall
7 remain valid, and to this end the provisions of this compact
8 are severable.

9 Section 2. Administration of compact -- fees. (1) The
10 department of health and environmental sciences, as the
11 state radiation control agency, shall administer the
12 provisions of the compact.

13 (2) The department may assess and collect fees for
14 services rendered in inspecting and regulating low-level
15 radioactive waste generators, transporters, and disposal
16 facilities. Such fees must cover the department's costs for
17 those services and must be deposited in the earmarked
18 revenue fund for use by the department. State and local
19 government agencies, including the university system, are
20 exempt from the payment of fees.

21 (3) The department may adopt rules under the authority
22 contained in 75-3-201(3)(b) to implement the provisions of
23 this compact.

24 Section 3. Severability. If a part of this act is
25 invalid, all valid parts that are severable from the invalid

1 part remain in effect. If a part of this act is invalid in
2 one or more of its applications, the part remains in effect
3 in all valid applications that are severable from the
4 invalid applications.

5 Section 4. Codification instruction. Sections 1 and 2
6 are intended to be codified as an integral part of Title 75,
7 chapter 3, and the provisions of Title 75, chapter 3, apply
8 to sections 1 and 2.

9 Section 5. Effective date. This act is effective on
10 passage and approval.

-End-