



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

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January 16, 1981

Ms. Marie Janinek
State Relations Officer
Office of State Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Ms. Janinek:

This is our first quarterly report under contract number NRC-06-80-680 and it covers the period October 1, 1980, through December 31, 1980.

The surveillance activities during the reported quarter included surveys of major State licensees to determine the radioisotopes ordered from vendors, the frequency of such orders and the routing of the deliveries. It was interesting to note that several licensees did not know anything about the routing of deliveries or who delivered the shipments.

In Reno we had a meeting with all the representatives of the airlines servicing McCarran field for the purpose of explaining the surveillance program and to obtain their cooperation. They were quite willing to offer their help and airport security issued our staff picture badges for complete access to the airport at any time.

At the airport we learned that major suppliers of radiopharmaceuticals apparently have contracts with Yellow Cab to deliver their products once they arrive at the airport. This was the case at both the Reno and Las Vegas airports. While we observed drivers from Yellow Cab pick up some shipments of radiopharmaceuticals, none of these packages were labeled DOT Yellow Three.

In our discussion with Mr. Drake, Manager of the Yellow Cab Co., in Reno, we asked if the cabs were ever placarded. He was not aware of the need for this when transporting shipments labeled DOT Yellow Three. He also stated that no training had been given to the cab drivers with respect to handling radioactive packages.

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To Ms. Marie Janinek
State Relations Officer
U.S. Nuclear Regulatory Commission

Taxicabs are authorized, of course, as a vehicle of transportation. We request, by this report, an opinion from DOT as to whether taxicabs are exempt from placarding when carrying labeled yellow III containers of radiopharmaceuticals. As these are medical isotopes do taxicabs qualify as exempt from placarding as is the private physician when he or she is transporting same in a private automobile?

Until we hear from DOT on this matter we think the Yellow Cab Co., and its drivers should be given some minimal instructions such as:

1. A minimum number of instructed drivers will be permitted to deliver packages containing radioactive materials.
2. Packages of radioactive materials that appear to be damaged or leaking will not be accepted by drivers for delivery.
3. Packages of radioactive materials will be locked in the trunk of the cab during delivery.
4. Drivers will not accept any passengers when carrying radioactive material.
5. Drivers carrying radioactive material will report any accidents with their vehicle to the Nevada Radiation Control Agency.
6. If the package of radioactive material cannot be delivered it must be returned to the airline freight office.

A major effort this quarter was devoted to inspection of all shipments of radioactive waste to the Beatty site. Eleven user permits were suspended for violations of State or Federal regulations. We supply reports of DOT violations, including polaroid pictures, directly to Darwin Garvin, the DOT representative for this area. He has been successful in using this material to impose fines on offenders. We are also talking with NRC on their possible use of our inspection reports to impose civil penalties against their licensees who ship unauthorized materials or materials in unauthorized form to the Beatty site.

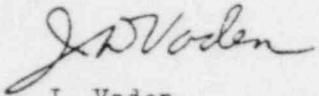
During this quarter, the Department of Human Resources signed a contract with Nevada Inspection Services, Inc., to perform on-site inspections of radioactive waste generators permitted to use the Beatty site. Governor List issued emergency regulations in this regard. We have submitted draft regulations to the Board of Health to implement the emergency regulations. We have advised all permittees.

January 16, 1981
To Ms. Marie Janinek
State Relations Officer
U.S. Nuclear Regulatory Commission

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We have met with DOE representatives regarding shipments of radioactive material into and from the Nevada Test Site. They have agreed to furnish data on these shipments on a monthly basis. They have also agreed to our inspection of these shipments as they pass through Las Vegas.

Sincerely,



J. Vaden
Supervisor
Radiological Health

JV:jas

Enclosure A - Emergency Regulations
Enclosure B - Inspections at Site
Enclosure C - Terminal Inspections



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

ENCLOSURE A

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MEMORANDUM

DATE: DECEMBER 29, 1980

TO: ALL PERSONS HOLDING PERMITS FOR DISPOSAL OF RADIOACTIVE
WASTE AT THE BEATTY, NEVADA SITE

FROM: J.V. J. VADEK

SUBJECT: EMERGENCY REGULATIONS GOVERNING USE OF SITE FOR DISPOSAL
OF RADIOACTIVE WASTE

Enclosed are the subject regulations which become effective on December 18, 1980.

The important change in the regulations is the requirement for a third party inspection. The State has entered into a contract with Nevada Inspection Services, Inc. to perform the third party inspections.

As noted in I.G. all site users will be required to request a qualification audit prior to April 1, 1981. Nevada Inspection Services, Inc., may be reached by telephone:

From outside California 800-538-3093
Inside California 408-866-7677

Ask for Larry Osness or John Remark

Your attention is directed to Articles 2.2 D,E, and F, all of which require commitments on the part of the permit holder. Enclosed is a sample letter agreement which should be copied on the letterhead stationary of the permit holder, signed by an authorized official, and returned to this office prior to April 1, 1981. Without this document in our files, a qualification permit cannot be issued.

For your information the Waste Generators Handbook is not available at this time. Contact Nevada Inspections Services for further information about the Handbook.

JV:jas

POOR ORIGINAL

SAMPLE LETTER AGREEMENT

(Company Name) hereby covenants to the State of Nevada and agrees hereby to comply with the following conditions in consideration of the issuance of a Qualification Permit to ship radioactive waste to the Beatty, Nevada disposal site:

1. Contract with Nevada Inspection Services, Inc., to carry out the functions of the third party inspection system and to pay for such services directly to Nevada Inspection Services, Inc., and;
2. Indemnify and hold the Health Division of the Department of Human Resources and the State of Nevada harmless for any liability or consequential damages arising out of the transportation of any radioactive material or waste to the Beatty site regardless of any prior inspection by Nevada Inspection Services, Inc.; and
3. Comply with all Federal and State regulations relating to the transportation of radioactive waste and all specifications contained in the Waste Generator's Handbook. This company understands that an Nevada Inspection Services, Inc., inspection is not a guarantee of suitability for shipment and the ultimate responsibility for compliance with Federal and State Regulations and safe transportation is upon this company.

Date _____
(Must be sworn before a
Notary Public)

Signature of Person Authorized to
Sign on Behalf of the Company

Typed Name of Signatory

NEVADA INSPECTION SERVICES INCORPORATED
PRELIMINARY FEE SCHEDULE

The projected cost of a waste generator's qualification certificate will be based on the volume of radioactive waste buried at Beatty, Nevada. The cost will include between one and four site inspections per year. The basic fees for NIS services will be as follows:

\$1,000 basic fee per generator per year payable at time of application,
and

\$3.50 per cubic foot of waste container buried at Beatty, Nevada for
every cubic foot over 100.

Additional services, such as a requalification within a twelve month period or inspection of a radioactive waste shipment, will be billed at the greater of either the published NIS Fee Schedule or \$5.00 per cubic foot of radioactive waste inspected.

The official fee schedule will be distributed with the "Waste Generator's Handbook" in mid-January 1981. The fee schedule is subject to review and revision in August 1981 depending on the actual programmatic costs.

JFR/lg

SECRETARY OF STATE
FILING DATA

FILED
CARSON CITY
NEVADA

DEC 18 10 32 AM 1980

WM. D. WACKELINER
SECRETARY OF STATE

For Filing Administrative
Regulations

Department of
Agency Human Resources
by and through the
Health Division

FOR EMERGENCY
REGULATIONS ONLY

Effective date 12/16/80

Expiration date 4/14/81


Governor's signature

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY

Brief description of action See below

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Authority citation other than 233B NRS 459.020

Notice date Date of Adoption by Agency

Hearing date December 15, 1980

The Department of Human Resources, by and through its Health Division, finds that an emergency exists in that the agency has determined that a Third Party inspection system is presently required to assure that all low level radiation waste shipments to the Beatty site more fully comply with all federal and state rules and regulations applicable thereto and thereby protect the health and safety of the citizens of Nevada; and that immediate implementation of said system is necessary and desirable; and that no regulations presently exist which would effectuate the intended purpose of these regulations.

RECEIVED
LEGISLATIVE COUNSEL BUREAU
DEC 18 1980

EMERGENCY REGULATIONS
GOVERNING USE OF SITE FOR
DISPOSAL OF RADIOACTIVE WASTE

WHEREAS, NRS 233B.060(5) provides that if an agency finds that an emergency exists, and such a finding is concurred in by the Governor by written endorsement on the original copy of the proposed regulation, a regulation may be adopted and become effective immediately upon its being filed in the Office of the Secretary of State; for a period of 120 days, and

WHEREAS, the Department of Human Resources, by and through its Health Division, finds that an emergency exists in that the agency has determined that a Third Party inspection system is presently required to assure that all low level radiation waste shipments to the Beatty site more fully comply with all federal and state rules and regulations applicable thereto and thereby protect the health and safety of the citizens of Nevada; and that immediate implementation of said system is necessary and desirable; and that no regulations presently exist which would effectuate the intended purpose of these regulations; and

WHEREAS, pursuant to the provisions of NRS 459.020, the Health Division is authorized to take all action necessary or appropriate to carry out the provisions of NRS 459.010 to 459.160, inclusive.

NOW, THEREFORE, the Department of Human Resources by and through its Health Division, does hereby adopt these emergency regulations effective immediately for a period not to exceed 120 days upon filing with the Office of the Secretary of State.

ARTICLE 1 - DEFINITION

1.1 "Person" means any natural person, firm, partnership, corporation, business organization, or governmental entity.

1.2 "Generator" means a person who packages and/or ships radioactive waste for burial at the State-owned burial site at Beatty, Nevada.

ARTICLE 2 - GENERAL PROVISIONS

2.1 A person desiring to dispose of low-level radioactive waste at the State-owned site near Beatty, Nevada, must obtain a qualification permit from the health division of the department of human resources before shipping waste to the site. The issuance of a permit pursuant to these regulations is merely evidence of a revocable privilege and does not expressly or impliedly create a property right or interest therein.

2.2 To obtain a qualification permit, a person must: (A) submit a written application to the health division, on a form furnished by the division, and provide the information requested thereon or any other information requested by the agency; (B) allow an on-site qualification/audit inspection of their radioactive waste procedure by the health division or anyone authorized by the health division to perform such an inspection; (C) allow on-site unannounced inspections by the health division or any designated third party inspector; (D) enter into an agreement with the health division that the applicant will contract with any third party inspection organization, chosen by the health division, to carry out the functions of a third party inspection system and pay for such services directly to the third party inspection organization; (E) enter into an agreement with the health division

indemnifying and holding the health division and the State of Nevada harmless for any liability or consequential damages arising out of the transportation of any radioactive waste from the appellants' premises to the Beatty, Nevada site; (F) agree to comply with all Federal and State regulations relating to the transportation of radioactive waste and all specifications contained in the Waste Generators Handbook which is distributed by the health division;

2.3 Any military installations which require security clearance for admittance onto the premises for the purposes of inspection, must submit a plan which will effectuate the on-site inspection and also comply with all applicable Federal laws and regulations concerning security requirements.

2.4 Radioactive waste being shipped to the site must be packaged in compliance with any applicable federal and state regulations, and the criteria of the Waste Generators Handbook and the packaging must remain in compliance with those regulations and criteria until the waste is received at the site for burial. The radioactive waste must be in such a physical condition and be so packaged that the operator of the site is able to dispose of the waste without violating any term of the operator's license.

2.5 Any inspection of a permittee's radioactive waste packaging procedure which demonstrates that the permittee has failed to comply with any one of the following criteria constitutes a violation of these regulations and grounds for imposition of the sanctions delineated in Article 3. The permittee must:

2.5.1 Follow the quality assurance program and criteria described in the Waste Generators Handbook;

2.5.2 Package the radioactive waste in accordance with the U.S. Department of Transportation regulations;

2.5.3 Package the radioactive waste in accordance with the U.S. Nuclear Regulatory Commission regulations; or

2.5.4 Package radioactive waste in accordance with the conditions of the site operator's license.

2.6 All radioactive waste generators will be required to submit a request for a qualification audit/inspection to the health division and no shipments will be received at Beatty after April 1, 1981, without a qualification permit in the possession of the generator. All user permits, exclusive of qualification permits, will be deemed cancelled as of April 1, 1981.

ARTICLE 3 - SUSPENSION OF PERMITS.

3.1 The health division may suspend after a complete investigation and prior notice the qualification permit of any person who ships radioactive waste to the Beatty site in violation of the criteria delineated in Section 2.5 up to a period of twelve months. During the suspension, all radioactive waste shipments from the permittee will require prior inspection by either the health division or a designated third party inspector prior to shipment to the Beatty site. If a permittee violates any of the criteria delineated in Section 2.5 during a period of suspension, an additional suspension period will be added to the existing suspension term for each violation as specified in Section 3.1.1. If a permittee violates any of the criteria delineated in Section 2.5, after reinstatement of a permit, a new suspension term will commence consistent with the terms specified in Section 3.1.1.

3.1.1. The initial violation by a generator will result in a suspension for a period up to one year with inspections prior to shipment as noted above. Each additional violation will result in a period of suspension up to one year for each violation with inspections prior to shipment in addition to any other suspension periods imposed pursuant to these regulations.

3.2 The health division may suspend a qualification permit on an emergency basis prior to an investigation if the nature of the violation, or the packaging or shipping procedures which caused the violation, creates or will create an unreasonable risk to public health or safety.

3.3 During a suspension period, the generator will be required to send a shipping document with each shipment to Beatty, Nevada, reflecting that an inspection has been completed by a third party inspector designated by the health division or other representative of the health division.

ARTICLE 4 - ADDITIONAL INSPECTIONS

4.1 All permittees must allow unannounced on-site inspections of their packaging procedures up to a maximum of four during each year in addition to those required as a sanction for noncompliance.

ARTICLE 5 - REINSTATEMENT PROCEDURES

5.1 A suspended permit reactivates itself automatically upon the expiration of the term of suspension. The permittee is required to indicate in writing with the first shipment under the reactivated permit that its suspension has terminated.

3.2 An emergency suspension pursuant to Section 3.2 may be imposed by the health division prior to any notice of violation.

ARTICLE 6 - SEVERABILITY

6.1 If any section, paragraph, sentence, clause or phrase is declared unconstitutional or invalid for any reason, it is intended that the remainder of these regulations not be effected thereby.

INSPECTION OF SHIPMENTS AT BEATTY SITE

OCTOBER 1, 1980 TO DECEMBER 31, 1980

101 shipments were inspected

22 shipments had violations of DOT regulations

11 shipments had packages that were not strong tight containers, (173.392 (c)(1))

7 shipments had one or more packages without security seals, (173.393 (b))

1 shipment had excessive radiation levels, (173.393 (i))

1 shipment had inadequate placarding, (172.504 (a))

1 shipment did not have instructions to driver, (173.392 (c)(9))

1 shipment had packages with only one label, (172.403 (f))

3 shipments above also leaked liquids, a violation of the site license.

INSPECTIONS OF TERMINALS

October 1, 1980 - December 31, 1980

Las Vegas:

The following companies were inspected to determine whether radioactive materials were handled:

Western Airlines
 Republic Airlines
 Trans World Airlines
 Federal Express
 Yellow Cab Company
 Delta Truck Line

A second visit was made to selected companies above to place dosimeters. It was noted that the Yellow Cab Company used any cab available for delivery of packages containing radioactive materials, therefore there were too many different drivers to monitor. The inspector noted that radioactive material which could not be delivered and which required refrigeration, was stored in a refrigerator at the taxi station that was also used to store food for the cab drivers.

It was found that Western Airlines handled most RAM shipments and that Molin-Kradt and Squibb were the major shippers. Mediphsysics and New England Nuclear also ship to the users in the area.

No packages were inspected in Las Vegas this quarter.

Reno:

The following companies were inspected to determine whether radioactive materials were handled:

*United Airlines
 *Eastern Airlines
 *Federal Express
 Air California
 PSA
 Delta Airlines
 Braniff Airlines
 TWA
 Western Airlines
 *Republic Airlines

Only the airlines marked (*) were found to ship radioactive packages through their terminals. Records at Republic Airlines showed that a Yellow III labeled package was picked up by Yellow Cab on September 19, 1980 for delivery to the VA Hospital.

During an inspection at United, two packages of radioactive material were observed. They were surveyed with a radiation survey instrument and wiped for contamination. The packages were properly labeled. A yellow cab driver arrived at that time and took possession of the packages for delivery to a local hospital. It was noted that he placed the packages in the front seat of the cab.

It was later learned from talking with the manager of Yellow Cab that only two senior drivers picked up radioactive material packages at the airport. These drivers were issued dosimeters.

On the second visit to the airport, the four airline freight offices indicated above were asked to designate areas for storage of packages of radioactive material. Dosimeters were then placed in these areas. A dosimeter was given to the driver of the Federal Express truck.

United Parcel Service was contacted and their management stated they could deliver only White I, or less, labeled packages of radioactive materials.

Amtrak, Greyhound, Trailways and Continental carriers were also contacted. Representatives of these carriers stated that they were not allowed to carry radioactive materials. This will be further investigated to determine its validity.

Another area of investigation will be the determination of any ground transport between California manufacturers of radiopharmaceuticals and Reno.