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SPENT NUCLEAR FUEL TRANSPORTATION ROUTES

House Bill 5431

Sponsor: Rep. Ilona Varga

Committee: Conservation, Environment
and Recreation

Complete to 4-17-98

A SUMMARY OF HOUSE BILL 5431 AS INTRODUCED 12-10-97

House Bill 5431 would create a new act to regulate the transportation of nuclear fuel, or high-level radioactive waste (HLRW), under the direction of the state director of emergency management. The bill would establish a Nuclear Response Fund and a transportation fee, specify emergency response requirements, and prescribe the functions of state entities. Under the bill, “high-level radioactive waste” would be defined to mean any of the following:

- Irradiated reactor fuel.
- Liquid wastes that result from reprocessing irradiated reactor fuel or solids into which the liquid waste have been converted.
- Radioactive waste containing alpha emitting transuranic elements, which, according to the Code of Federal Regulation (10 CFR 61.55), is not acceptable for near-surface disposal.
- Highly radioactive material that the U.S. Nuclear Regulatory Commission or the U.S. Department of Energy determines by law to require permanent isolation.
- By-product material that is defined in Section 11e(2) of the federal Atomic Energy Act (42 USC 2014, 1954), as amended, to mean (1) any radioactive material [except special nuclear material] yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

Under the bill, “high-level radioactive waste” would not include materials shipped by, or for, the federal government, for military, national security, or national defense purposes.

Emergency Response Plan. Under the bill, the “state director of emergency management” (defined under the Emergency Management Act [MCL 30.401 to 30.420], to mean the director of the Department of State Police, or his or her designee), would be required to prepare an emergency response plan for high-level radioactive waste transportation accidents within the state. The plan would also have to include provisions for evacuation and cleanup. In preparing the plan, the director would have to consult with all of the following: the directors of the Departments of Community Health, Transportation, Environmental Quality and State Police,

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and representatives of the U.S. Nuclear Regulatory Commission, the federal Emergency Management Agency (FEMA), and the U.S. Department of Transportation. In addition, the director would be required to report to the legislature each year on the status of the plan and the state's ability to respond to a high-level radioactive waste transportation accident.

Alternate Routes or Times. The Code of Federal Regulations (49 CFR 397) specifies that the state director of emergency management may designate alternative routes, dates, or times to transport HLRW if safety considerations indicate they would be preferable. The bill would specify that the director should review federally approved routes annually, and, if safety considerations indicated alternative routes would be preferable, then he or she could select an alternate route. However, before doing so, the director would be required to consult with the persons designated as consultants for the emergency response plan, conduct at least one public hearing in each affected county, and notify the following people of his or her final decision: the directors of the Departments of Community Health, Environmental Quality, and State Police, and the emergency management coordinator of each affected county or municipality.

Liability. The bill would specify that the state would not incur any liability by requiring alternative routes, dates, or times to be used, as specified under the bill.

Transportation Fees. A person planning to ship HLRW would have to submit to the state director of emergency management a notice that included the route, date, and time of the proposed shipment, together with any other information required under the Code of Federal Regulations (10 CFR 71.5a and 10 CFR 73.37 [f]); and a \$1,000 transportation fee for each vehicle or railroad car that would be used. The fees collected under this provision would be deposited in the Nuclear Response Fund.

Nuclear Response Fund. The fund would be used by the Department of State Police, upon appropriation, only to provide appropriate education, training, and equipment to county or municipal personnel who might have to respond to a HLRW transportation accident in the state.

Other. The bill would specify that its provisions would not require the disclosure of defense information or restricted data, as defined in the federal Atomic Energy Act (42 USC 2014).

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.