

HOUSE BILL No. 5431

December 10, 1997, Introduced by Rep. Varga and referred to the Committee on Conservation, Environment and Recreation.

A bill to regulate the transportation of high-level radioactive waste; to provide for emergency response; to impose a fee for transportation of high-level radioactive waste; and to prescribe the powers and duties of certain state officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Director" means the state director of emergency manage-
3 ment as defined in the emergency management act, 1976 PA 390, MCL
4 30.401 to 30.420.

5 (b) "Emergency management coordinator" means that term as
6 defined in the emergency management act, 1976 PA 390, MCL 30.401
7 to 30.420.

8 (c) "High-level radioactive waste" means, subject to
9 subdivision (d), any of the following:

- 1 (i) Irradiated reactor fuel.
- 2 (ii) Liquid wastes that result from reprocessing irradiated
3 reactor fuel or solids into which the liquid wastes have been
4 converted.
- 5 (iii) Radioactive waste that contains alpha emitting trans-
6 uranic elements that is not acceptable for near-surface disposal
7 as defined in 10 C.F.R. 61.55.
- 8 (iv) Highly radioactive material that the United States
9 nuclear regulatory commission or the United States department of
10 energy determines by law to require permanent isolation.
- 11 (v) By-product material as defined in section 11e(2) of the
12 federal atomic energy act of 1954, 42 U.S.C. 2014, as amended.
- 13 (d) "High-level radioactive waste" does not include materi-
14 als shipped by or for the federal government for military,
15 national security, or national defense purposes.
- 16 (e) "Plan" means the plan provided for in section 2(1).
- 17 Sec. 2. (1) The director shall prepare a plan for emergency
18 response to a high-level radioactive waste transportation acci-
19 dent in this state. The plan shall include provisions for evacu-
20 ation and cleanup. In preparing the plan, the director shall
21 consult with all of the following:
- 22 (a) The director of the department of community health.
- 23 (b) The director of the state transportation department.
- 24 (c) The director of the department of environmental
25 quality.
- 26 (d) The director of the department of state police.

1 (e) A representative of the United States nuclear regulatory
2 commission.

3 (f) A representative of the federal emergency management
4 agency.

5 (g) A representative of the United States department of
6 transportation.

7 (2) The director shall report to the members of the legisla-
8 ture each year on both of the following:

9 (a) The status of the plan.

10 (b) The ability of this state to respond adequately to a
11 high-level radioactive waste transportation accident in this
12 state.

13 Sec. 3. (1) Under 49 C.F.R. part 397, the director may
14 require alternative routes, dates, or times for transporting
15 high-level radioactive waste in this state if the director deter-
16 mines, under United States department of transportation
17 "guidelines for selecting preferred highway routes for large
18 quantity shipments of radioactive materials", that alternative
19 routes, dates, or times are safer than proposed routes, dates, or
20 times.

21 (2) The director shall do both of the following:

22 (a) Annually review federally approved highway and railway
23 routes for transporting high-level radioactive waste in this
24 state.

25 (b) Select new state designated routes under 49 C.F.R. part
26 397 if safety considerations indicate the alternative routes
27 would be preferable.

1 (3) Before requiring alternative routes under subsection (1)
2 or selecting new state designated routes under subsection (2),
3 the director shall do all of the following:

4 (a) Consult with the persons described in section 2(1).

5 (b) Conduct at least 1 public hearing in each county
6 affected by the proposed alternative route or new state desig-
7 nated route in conjunction with the emergency management coordi-
8 nator in the county.

9 (c) Notify all of the following of the director's final
10 decision concerning an alternative route or a new state desig-
11 nated route before the date upon which the alternative route or
12 new state designated route takes effect:

13 (i) The director of the department of community health.

14 (ii) The director of the department of environmental
15 quality.

16 (iii) The director of the department of state police.

17 (iv) The emergency management coordinator of each affected
18 county or municipality.

19 (4) This state does not incur any liability by requiring
20 alternative routes, dates, or times to be used as provided under
21 this section.

22 Sec. 4. (1) A person shall not transport high-level radio-
23 active waste in this state unless the person has submitted both
24 of the following to the director:

25 (a) A notice that includes all of the following:

26 (i) The highway or railway route, date, and time of the
27 shipment of high-level radioactive waste.

1 (ii) Any other information required under 10 C.F.R. 71.5a
2 and 10 C.F.R. 73.37(f).

3 (b) A transportation fee of \$1,000.00 for each vehicle or
4 railroad car that will be used to transport high-level radioac-
5 tive waste in this state.

6 (2) Fees collected under this section shall be deposited by
7 the director in the nuclear response fund established in section
8 5.

9 Sec. 5. (1) The nuclear response fund is created within the
10 state treasury.

11 (2) The state treasurer may receive money or other assets
12 from any source for deposit into the fund. The state treasurer
13 shall direct the investment of the fund. The state treasurer
14 shall credit to the fund interest and earnings from fund
15 investments.

16 (3) Money in the fund at the close of the fiscal year shall
17 remain in the fund and shall not lapse to the general fund.

18 (4) The department of state police shall expend money from
19 the fund, upon appropriation, only to provide appropriate educa-
20 tion, training, and equipment to county or municipal personnel
21 who may be involved in emergency response to a high-level radio-
22 active waste transportation accident in this state.

23 Sec. 6. This chapter does not require the disclosure of
24 defense information or restricted data as defined in the federal
25 atomic energy act of 1954, 42 U.S.C. 2014.