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SOUTHERN STATES' ROUTING AGENCY REPORT

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by the

**Southern States Energy Board
3091 Governors Lakes Drive, Suite 400
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February 1988

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SOUTHERN STATES' ROUTING AGENCY REPORT

Introduction

The Southern States' Routing Agency Report is a compendium of 16-southern states' routing programs and authorities for high-level radioactive materials transportation. The report includes the identification of each state's designated routing agency and state legislation and regulations pertaining specifically to the shipment routing of high-level radioactive materials. Using information collected and compiled by the Hazardous Materials Information Group at Oak Ridge National Laboratory, the report also addresses local government routing restrictions for high-level radioactive materials transportation. Whether local or state routing restrictions have been legally challenged and found to be inconsistent and preempted by the federal Hazardous Materials Transportation Act of 1974 (49 App. U.S.C. 1801 et seq.) is noted. Finally, the state agency and contact designated by each state's governor to receive advance notification and shipment routing information under 10 Code of Federal Regulations (CFR) Parts 71 and 73 is listed.

State Routing and Advanced Notification Agencies

The selection, establishment and authority of a state routing agency is determined by state legislative action and/or executive branch decision. In most southern states the legislature enacts measures which identify and require a specific state agency to promulgate regulations, rules and policies regarding the transportation of hazardous or radioactive materials within, into or through the state. These state agencies may be required to develop regulations for a variety of transportation issues including routing, hazardous material definitions, permits, advanced notification, escorts and bonding requirements, among others. The intent of a state to regulate is considered by the federal government to be consistent with the Hazardous Materials Transportation Act (HMTA) and its rule-making procedures, including the final highway routing regulations, HM-164. The HMTA, however, strictly prohibits and preempts any state or local requirements which are challenged by an affected party and deemed by the U.S. Department of Transportation's Research and Special Programs Administration as being inconsistent with HMTA regulations.

The U.S. Nuclear Regulatory Commission (NRC) requires advanced notification to governors or their designees concerning the transport of high-level radioactive materials and spent fuel shipments. The prenotification for spent nuclear reactor fuel is addressed in 10 CFR Part 73 and the advanced notification of large quantity radioactive waste shipments in 10 CFR Part 71. In the South, all governors have selected a designated state agency and contact for receiving prenotification information. The state contact listing is updated annually in the Federal Register on or about June 30.

The state agencies responsible for routing and advanced notification in the South fall into seven general departmental categories including health,

public safety, transportation, public service, state police/highway patrol, emergency management and nuclear waste. With the exception of Maryland and Texas, primary routing authority is vested in one agency. Only in Texas is the prenotification of spent fuel and large quantity shipments divided among two separate agencies. In twelve southern states routing and prenotification responsibilities are shared by the same agency. Table 1 indicates the state departmental authorities for routing and prenotification.

Table 1

PRIMARY SOUTHERN STATE DEPARTMENTS
RESPONSIBLE FOR RADIOACTIVE MATERIAL
ROUTING AND PRENOTIFICATION¹

State Departments	Southern States																TOTALS		Total
	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	SC	TN	TX	VA	WV	R	N	
HEALTH	R	N	R/N		R/N		R			R		R/N		R/N			7	5	12
PUBLIC SAFETY	N								R/N		R/N			N		N	2	5	7
TRANSPORTATION		R					R										2	0	2
PUB SER COMM				R/N													1	1	2
STATE POLICE/ HWY PATROL						R/N	R/N			N							2	3	5
EMERGENCY MGT								R/N					R/N		R/N	R	4	3	7
NUCLEAR WASTE														R			1	0	1
																	Totals		36
																	19	17	

R - Routing Department

N - Prenotification Department

¹Federal Register, Vol. 52, No. 125, June 30, 1987, p.24357.

Local Government Routing Restrictions

Similar to state authority, a local government's intent to regulate high-level radioactive materials transportation is consistent with the HMTA. A local jurisdiction's compliance requirements are acceptable provided they are uniform with consistent state transportation policy and/or federal regulations.

According to the Oak Ridge National Laboratory legislative data base, in the South there were 46 local restrictions involving the transportation and routing of high-level nuclear materials as of December 31, 1985. In three states, Alabama, Florida and Maryland, seven local governments have passed routing-related restrictions, while three other states, Arkansas, Oklahoma and West Virginia, have had no local government routing restrictions enacted. If legally challenged, in many cases these local nuclear materials transportation restrictions involving routing, advanced notification, schedules and other requirements, would likely be determined inconsistent and preempted by the HMTA. Figure 1 identifies the number of local ordinances, resolutions and rules that exist in the southern states. Figure 2 illustrates the locations of local routing restrictions in the South.

Figure 1

Source: Transportation of Radioactive Materials: A Summary of State and Local Legislative Requirements for the Period Ending December 31, 1985.
ORNL/TM-9985, Oak Ridge National Laboratory.

Annual State Radioactive Materials Transportation Legal Report. Battelle Project Management Division, Office of Transportation Systems and Planning. September 1987.

Figure 2

LOCAL GOVERNMENT ROUTING RESTRICTIONS IN THE SOUTH

Source: Transportation of Radioactive Materials: A Summary of State and Local Legislative Requirements for the Period Ending December 31, 1985. ORNL/TM-9985, Oak Ridge National Laboratory.

Annual State Radioactive Materials Transportation Legal Report. Battelle Program Management Division, Office of Transportation Systems and Planning. September 1987.

Inconsistency Rulings in Southern States

The South has been involved in eight applications for inconsistency rulings under the HMTA. Six of the applications were either withdrawn or closed without action by the U.S. Department of Transportation's Research and Special Programs Administration (RSPA). The two localities affected by RSPA inconsistency rulings include Covington, Kentucky and Prince George's County, Maryland. On January 6, 1983 an inconsistency ruling (IR-63, 48 Federal Register 760) preempted Covington's prenotification ordinance for radioactive materials. Likewise, Prince George's County's ordinance restricting high-level nuclear materials transportation was also preempted by RSPA (IR-18, 52 FR 200) on January 2, 1987. The ruling was subsequently appealed by the county on January 20, 1987 and currently remains an open case. The Prince George's county ordinance was the only southern inconsistency ruling that involved routing specifically.

STATE-BY-STATE ROUTING AGENCIES

STATE ROUTING AGENCY INFORMATION

ALABAMA

State Routing Agency - Aubrey Godwin
Director
Radiological Health Branch
Alabama State Board of Health
Montgomery, Alabama 36130-1701
(205) 261-5315

The Hazardous Wastes Management Act of 1978 (AL-Act 129) vests regulatory authority over hazardous waste (including radioactive materials) transportation in the state Board of Health. The Act further establishes the Hazardous Wastes Technical Advisory Committee to review and evaluate state transportation policies and programs, among others, and advise the Board of its opinions and findings. The Board of Health's Radiological Health Branch is given routing authority by the state radiation control regulations.

There are several hazardous waste transportation restrictions and resolutions created by local municipalities. The city of Chickasaw imposed a city ordinance in 1984 to restrict the transportation of hazardous materials through the city to the port of Chickasaw. While a lawsuit was filed by Chemical Waste Management against the ordinance, the State Attorney General announced he would support and defend the ordinance. Related to the Chickasaw restriction, five other municipalities also approved resolutions calling for the Alabama legislature to enact appropriate laws to prohibit the transportation of hazardous materials through their jurisdictions for disposal in the Mobil Bay area. The resolutions were passed by the neighboring Mobil Bay localities of Bayou La Batre, Daphne, Fairhope, Gulf Shores and Orange Beach.

The City of Mobil passed regulations prohibiting radioactive materials transportation through the I-10 tunnel. The ordinance has not been challenged. In addition to the Mobil tunnel, the Alabama legislature considered a bill (Senate 197) during the 1987 session to prohibit hazardous material transportation through tunnels. The measure was not enacted.

The state agency designated by the governor to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73 is the Alabama Department of Public Safety. The contact to receive advanced notification for spent fuel and large quantity radioactive waste shipments is listed below.

Advanced Notification Agency - Col. Thomas H. Wells
Director
Alabama Department of Public Safety
P.O. Box 1511
Montgomery, AL 36192
(205) 261-4378

ARKANSAS

State Routing Agency - Donnie Hodges
Chief of Enforcement
Arkansas Transportation Commission
Transportation Safety Agency
Justice Building, Second Floor
Little Rock, Arkansas 72201
(501) 371-1341

As of July 1, 1987 the newly created Arkansas Transportation Safety Agency is the cognizant state agency for selecting state preferred highway and rail routes for spent fuel and high-level and transuranic wastes. Until a director is named, the contact is Donnie Hodges.

The state has enacted and considered several pieces of legislation that affect nuclear waste routing and shipping. In 1979 the Arkansas legislature enacted legislation (AR-Act 406) authorizing the Arkansas Transportation Commission to issue rules and regulations for the transportation of hazardous waste (including radioactive waste). The Energy Reorganization and Policy Act of 1979 (AR-Act 255) created the Arkansas Department of Energy and requested the department, among others, to propose recommendations concerning the transportation of nuclear fuel. In the 1987 legislative session, a bill (Senate 407) was considered but not passed which proposed to amend Arkansas statutes authorizing the Arkansas Highway Commission to promulgate hazardous material transportation regulations including routing. The commission would have been authorized to establish a fee schedule to recover costs of route development.

No local legislation or measures that affect the routing of high-level waste or spent fuel shipments have been approved.

The governor had selected the Arkansas Department of Health's Division of Radiation Control and Emergency Management to receive shipment notification and routing information according to 10 CFR Parts 71 and 73. The contact to receive advanced notification for spent fuel and large quantity radioactive waste shipments is listed below.

Advanced Notification Agency - Greta J. Dicus
Director
Division of Radiation Control and
Emergency Management Programs
Arkansas Department of Health
4815 West Markham Street
Little Rock, AR 72201
(501) 661-2136
(501) 661-2000

FLORIDA

State Routing Agency - Dan Toss
Public Health Physicist
Office of Radiation Control
Florida Department of Health and
Rehabilitative Services
P.O. Box 15490
Orlando, FL 32858
(305) 297-2095

The Florida Department of Health and Rehabilitative Services was mandated under FL-Statutes 404 to adopt reasonable regulations for the transportation of radioactive waste. Chapter 10D-91 provides the rules through which the department has promulgated its radioactive waste transportation regulations.

There have been numerous radioactive material transportation ordinances and resolutions passed by local governments in Florida. The most significant action affecting routing occurred in 1979 when then acting port director, Carmen Lunetta, banned all nuclear shipments through the port of Miami. Most local transportation restrictions, however, have involved ordinances and resolutions requiring prenotification and fire or police department escorts through their jurisdictions. The local areas are disbursed throughout the state including Tampa, Melbourne, Key West, Ft. Walton Beach and Ft. Pierce. The city of Hollywood has an ordinance that restricts commercial truck routes through the city based upon a gross vehicle weight of 10,000 pounds or more, and more than two axles or four wheels.

The state agency designated by the governor to receive advance notification and shipment routing information according to 10 CFR Parts 71 and 73 is the same as the state routing agency. The contact to receive advanced notification within the Department of Health and Rehabilitative Services' Office of Radiation Control is listed below.

Advanced Notification Agency - Harlan Keaton
Public Health Physicist Manager
Office of Radiation Control
Florida Department of Health and
Rehabilitative Services
P.O. Box 15490
Orlando, FL 32858
(305) 297-2095

GEORGIA

State Routing Agency - Lucia Ramey
Director of Compliance and Safety
Transportation Division
Georgia Public Service Commission
1007 Virginia Avenue, Suite 310
Hapeville, Georgia 30354
(404) 761-2432

The Transportation of Nuclear Materials Act was successfully introduced in 1978, providing for the development of rules and regulations by the Georgia Public Service Commission concerning nuclear material transportation in the state. The legislation authorized the Public Service Commission to contract with other state agencies, such as the Department of Transportation, to perform any assistance necessary to fulfill the provisions of the Act. In 1979 the Transportation of Hazardous Materials Act (GA-Act 487) designated the Georgia Department of Transportation as the agency required to formulate permit regulations for hazardous waste shipments in the state consistent with federal rules. This Act, however, was repealed in 1985 (GA-Act 394, Act 748) and instead the Georgia Public Service Commission was given authority for transportation regulations and permits consistent with federal rules. The legislation allowed the Commission to make changes in proposed routes to ensure maximum protection of the public health, safety, welfare and the environment. Route designation authority was transferred from the state Department of Transportation to the Public Service Commission (PSC) on July 1, 1985 by the General Assembly.

Two local areas specifically prohibit the transportation and routing of high-level radioactive material through their jurisdictions. A 1979 city of Atlanta ordinance restricts the transport of high-level nuclear wastes within the city. National defense, nuclear medicine or research materials are permitted. The city allows truck transportation of restricted materials to use the I-285 beltway only unless shipments originate or end within I-285. In addition, an annual permit or Certificate of Emergency Transport is required for each shipment and must include specific shipping information (routing, material, schedule, etc.). The ordinance appears to prohibit rail transport of radioactive materials as well. Located to the immediate west of Savannah, Garden City passed an ordinance in 1979 prohibiting high-level nuclear material transportation through its jurisdiction. Like Atlanta, Garden City allows shipments that are for medical or national security purposes.

According to the Georgia Public Service Commission, all spent fuel and large quantity shipments have taken place on federal interstate highways. The Commission has, therefore, not moved to develop any alternate preferred highway routes. On issues concerning truck weight, length and width, the Commission defers to the Department of Transportation.

The governor has designated the Public Service Commission as the agency to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73. The contact to receive advanced notification for spent fuel and large quantity radioactive waste shipments is listed below.

GEORGIA (continued)

Advanced Notification Agency - Tom Doyal
Director
Transportation Division
Public Service Commission
1007 Virginia Avenue
Hapeville, GA 30354
(404) 761-2229

KENTUCKY

State Routing Agency - Donald R. Hughes
Manager
Radiation Control
Department for Health Services
Cabinet for Human Resources
275 East Main Street
Frankfort, Kentucky 40621
(502) 564-3700

In 1980 the Kentucky legislature approved a bill (KY-H00863) relating to the transportation of hazardous materials including radioactive wastes. The Act added a new section to KRS Chapter 174 requiring the Kentucky Department of Transportation to adopt federal hazardous materials transportation regulations, 49 CFR (1978), as amended. Donald Hughes, Manager of Radiation Control within the Kentucky Department for Health Services, is the governor's designee for radioactive materials transportation matters. No other agencies are currently involved.

On the local level, the city of Covington has passed several ordinances affecting radioactive materials transportation, including routing. A city ordinance requiring the advanced notice of hazardous material shipments was a specific restriction brought up for preemption in 1980. Under the Hazardous Materials Transportation Act, General Battery Corporation filed for an inconsistency ruling on September 30, 1980 with the U.S. Department of Transportation's Research and Special Programs Administration. The federal agency decided the ordinance was inconsistent (IR-6) on January 6, 1983 (48 FR 760). Another city ordinance adopted in 1983 required that any hazardous wastes transported through the city without a city Fire Department permit could occur only along routes at scheduled times as determined by the fire chief. The city of Crestview Hills also approved a similar permit, routing and scheduling ordinance. A 1985 resolution in Louisville, meanwhile, calls for a ban on transportation of defense nuclear materials, declaring the city a nuclear free zone and urging the federal government not to transport through its boundaries.

Kentucky follows federal routing guidelines. As an added precaution, a staff member of the state Radiation Control program escorts all shipments of spent fuel through the commonwealth. Kentucky State Police are requested to provide escort through metropolitan areas.

As noted above, the governor has designated the Radiation Control office in the Department for Health Services as the agency to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73. The contact to accept advanced notification for spent fuel and large quantity radioactive waste shipments is the same as listed at the top of the page.

LOUISIANA

State Routing Agency - Lt. Shelton Coleman
Louisiana State Police
265 South Foster Drive
P.O. Box 66614
Baton Rouge, Louisiana 70896
(504) 925-6117

The Louisiana legislature adopted a bill on July 6, 1978 (LA-Act 327) that prohibited the transportation of high-level radioactive waste, including spent fuel, into the state for the purpose of disposal or storage in the state. On January 1, 1980, the legislature then repealed and revised the Act by adopting the Louisiana Nuclear Energy and Radiation Control Law (LA-Act 449), which mandated the state Transportation Commission to promulgate rules and regulations relating to the transportation of radioactive materials into the state. Again the law specifically prohibited any high-level radioactive wastes from being transported into the state for disposal or storage in Louisiana. While originally designed to oppose, via a transportation ban, the consideration of the state hosting a geologic repository, the law could now be used to prohibit any transshipment of spent fuel to Louisiana reactors for temporary storage. The law further authorizes the Transportation Commission, at its discretion, to adopt regulations consistent with federal agency regulations concerning radioactive materials transportation.

In 1979, however, the Louisiana legislature approved a generic bill on the transportation of hazardous materials (LA-S00208). The measure authorized the Louisiana Department of Public Safety to prescribe reasonable regulations concerning the transportation of hazardous materials. It also required that such regulations be consistent with those of the U.S. Department of Transportation contained in Title 49 and 46 of the Code of Federal Regulations, as amended.

During the 1987 legislative session, a bill to authorize local parish officials to regulate hazardous waste (including radioactive waste) transportation along parish roads was proposed but not enacted.

There are two local ordinances that restrict the transport of high-level radioactive wastes through tunnels within their jurisdictions. The Houma tunnel in Terrebonne parish and the Belle Chase and Harvey Canal tunnels in the city of New Orleans are all prohibited to radioactive waste shippers.

The Louisiana State Police is the governor's designated routing agency for high-level radioactive wastes. The State Police consults with the state's Department of Transportation as necessary. The governor also chose the State Police as the state agency to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73. The contact to accept advanced notification for spent fuel and large quantity radioactive waste shipments is listed below.

Advanced Notification Agency - Col. Wiley D. McCormick
Head
Louisiana State Police
P.O. Box 66614
Baton Rouge, LA 70896
(504) 925-6117

MARYLAND

State Routing Agency - Col. James A. Jones
Chief
Services Bureau
Maryland State Police
1201 Reisterstown Road
Pikesville, MD 21208
(301) 486-3101

George Harmon
Department of Environment
201 W. Preston St.
Annapolis, MD 21201
(301) 225-6500

Maryland Department of Transportation
P.O. Box 8755
BWI Airport, MD 21240
(301) 859-7397

The Maryland routing agency authority for radioactive materials is governed by a core group including the Maryland State Police; Department of the Environment; and the Maryland Department of Transportation.

Initial legislation to regulate hazardous material transportation in Maryland began with a 1979 bill (MD-HJR023) that called on the state Departments of Transportation, and Natural Resources to provide recommendations for consolidating into one agency the authority to regulate and supervise hazardous material transportation through Maryland. A measure adopted in 1979 by the legislature amended the state transportation law to include radioactive materials as "dangerous articles" regulated by the Maryland Transportation Authority. On May 20, 1982, the governor signed into law a bill (MD-Chapter 301) that authorized the Secretary of Health and Mental Hygiene to require use of specific routes, procedures or satisfy certain conditions by a Holder of a Hauler Certificate for transporting hazardous materials in the state.

There are several local ordinances that restrict or effect the transportation of radioactive materials in the state. A 1980 measure passed by Prince George's county (MD-Council Bill 8-1980) took effect January 1, 1982 prohibiting the transport of certain radioactive materials, including spent fuel and high-level waste, in the county unless a Certificate of Emergency Transport has been issued by the County Executive and is escorted. The county ordinance was challenged on May 5, 1983 under §112(a) of the Hazardous Materials Transportation Act (Inconsistency Ruling Application-docket number 29). On January 2, 1987, the county's hazardous materials definitions, penalties, permit, pre-notification, information, schedule, routing, escorts and bonding requirements were found by the U.S. Department of Transportation's Research and Special Programs Administration to be inconsistent with federal regulations and, thus,

MARYLAND (continued)

were preempted (52 FR 200). The county filed an appeal on January 20, 1987. A Anne Arundel county ordinance requires an annual permit for radioactive material shippers. Radioactive material transporters are prohibited from the Baltimore Harbor Tunnel. In Kent and Harford County, 1981 ordinances call for county prenotification of pending high-level radioactive waste shipments. Harford county also requires route scheduling information. Finally, a 1985 Takoma Park ordinance declares its jurisdiction a nuclear free zone, prohibiting nuclear weapons transportation.

The Maryland State Police is the governor's designated agency to receive advanced notification and shipment routing information under 10 CFR Parts 71 and 73. The contact to receive advanced notification for spent fuel and large quantity radioactive waste shipments is the State Police representative shown under the state routing agency.

MISSISSIPPI

State Routing Agency - James E. Maher
Director
Mississippi Emergency Management Agency
P.O. Box 4501
Fondren Station
Jackson, Mississippi 39216
(601) 352-9100

In 1982 the Mississippi Radioactive Waste Transportation Act was adopted. The Act called on the Mississippi Emergency Management Agency to establish a permit and fee system along with notification requirements for transport of radioactive waste in Mississippi. The measure states that shippers must comply with all applicable state and federal laws, regulations and administrative rules.

The Mississippi Emergency Management Agency has primary routing responsibilities in the state. The State Department of Health is consulted concerning the determination of permit fees. The Highway Department provides technical and administrative assistance to the Emergency Management Agency regarding routing and the permitting of overweight trucks.

Several localities have enacted measures to restrict the routing of radioactive wastes in their jurisdictions. The counties of Adams and Pike and McComb City adopted ordinances in 1984 and 1985 that designate interstate highways and principal streets as preferred routes for motor vehicle transportation of hazardous materials including radioactive wastes. These ordinances also prohibit the transportation of radioactive waste material into their respective jurisdictions without a state Emergency Management Agency permit as regulated under Mississippi statute. In both Pike County and McComb City the main trunk lines of railroads are selected as preferred routes for rail transportation of hazardous material through their areas, except for shipments destined for sites within county or city limits. The McComb City ordinance exempts federal government hazardous waste shipments for military or national security purposes. An ordinance passed in 1981 by the city of Jackson requires prenotification, limits truck or train stop times and allows for a ban on overnight shipping stops and storage of hazardous materials within city boundaries. Another ordinance passed in 1981 by the port of Pascagoula opposes the use of transportation routes through the port for nuclear waste.

The governor has designated the Emergency Management Agency as the department to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73. The contact to obtain advanced notification for spent fuel and large quantity radioactive waste shipments is the same as provided at the top of the page.

MISSOURI

State Routing Agency - Bill Johnson
State Radiation Officer
State of Missouri
Missouri Emergency Management Agency
1717 Industrial Drive
P.O. Box 116
Jefferson City, Missouri 65102
(314) 751-9571

The Missouri Emergency Management Agency is charged with routing responsibility for high-level radioactive materials in the state. The Missouri Highway Department provides additional technical routing support.

The Missouri Radiation Protection Act of 1985 (MO-H00295) mandated the state Department of Social Services, Division of Health to develop policies, rules and regulations regarding the transportation of radioactive materials in the state. The Division of Health is required to coordinate its activities and plans with the state Emergency Management Agency and other affected agencies. In the 1987 legislative session, two routing related bills were proposed but not enacted. Missouri House bill 540 would have established a state permit system requiring the listing of specific routes to be followed for high-level waste or spent fuel shipments. The Department of Public Safety would have been authorized to develop proper regulations not in conflict with federal government regulations. Missouri House bill 716 would have required licensing and prenotification of high-level waste or spent fuel shipments including the time and location of a shipment's arrival at the Missouri border for state escort.

The two largest urban areas in Missouri have enacted local ordinances regarding the transportation of hazardous and radioactive materials. A Kansas City ordinance adopted in 1980 (MO-Ordinance 52123, City Chapter 18) states that peripheral highways around Kansas City should be used to transport high-level nuclear materials. A 1985 St. Louis ordinance approved the development of a non-profit corporation to improve and coordinate hazardous materials transportation activities, including emergency response.

The governor has designated the Emergency Management Agency as the department to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73. The agency contact to obtain advanced notification for spent fuel and large quantity radioactive waste shipments is listed below.

Advanced Notification Agency - Mr. Richard D. Ross
Director
State Emergency Management Agency
1717 Industrial Drive
P.O. Box 116
Jefferson City, MO 65102
(314) 751-9779

NORTH CAROLINA

State Routing Agency - Dayne Brown
Chief
Radiation Protection Section
Division of Facility Services
North Carolina Department of Human Resources
701 Barbour Drive
Raleigh, North Carolina 27603-2008
(919) 733-4283

The North Carolina Department of Human Resources, Division of Facility Services, Radiation Protection Section is specifically authorized as the state routing agency for high-level radioactive materials. The state Department of Transportation, Occupational Safety and Emergency Planning Section and the Radiation Protection Commission provide technical and general program support, respectively.

The North Carolina Radiation Protection Act of 1977 authorized the Radiation Protection Commission to promulgate rules and regulations concerning radioactive materials route designation in the state. The legislation further required the adoption, in whole or part, of federal radioactive materials transportation regulations. A 1978 act to regulate the transportation of spent nuclear fuel upon the highways of North Carolina (NC-H01431; GS 20167.1; Chap 839) involves prenotification of spent fuel shipments to the state Highway Patrol.

There are two local areas that enacted measures to restrict the transportation of radioactive materials through their jurisdictions. A 1985 city ordinance in the town of Franklinville established its jurisdiction as a nuclear free zone, prohibiting nuclear weapons or waste shipments. A 1985 Mitchell county resolution objects to the transportation of any nuclear waste within the county or any other mountain county.

The state agency selected by the governor to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73 is the North Carolina Highway Patrol. The contact to receive advanced notification for spent fuel and large quantity radioactive waste shipments is listed below.

Advanced Notification Agency - Cap. Walter K. Chapman
Director
Administrative Services
North Carolina Highway Patrol Headquarters
P.O. Box 27687
Raleigh, NC 27611
(919) 733-7952

OKLAHOMA

State Routing Agency - George Day

Size and Weights Permits
Oklahoma Department of Public Safety
3600 N. Eastern Avenue
Oklahoma City, Oklahoma 73111
(405) 424-4011

The Oklahoma Department of Public Safety, Size and Weights Permits section is the responsible state routing agency for high-level radioactive materials. The agency's authority involves strictly routing and does not have specific responsibility of hazardous materials. Instead the agency relies on the technical support of several other agencies, including the Department of Public Safety's Hazardous Materials section, the Department of Transportation, the Health Department, and the State Civil Defense authority.

There is no specific state or local legislation that affects the routing of radioactive materials. The state follows federal routing guidelines.

The Oklahoma Department of Public Safety is also the governor's designated state agency to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73. The contact to receive advanced notification for spent fuel and large quantity radioactive waste shipments is listed below.

Advanced Notification Agency - Clent Dedek

Commissioner of Public Safety
Oklahoma Department of Public Safety
3600 N. King Avenue
P.O. Box 11415
Oklahoma City, OK 73136
(405) 424-4011

SOUTH CAROLINA

State Routing Agency - Heyward Shealy
Chief
Bureau of Radiological Health
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201
(803) 734-4700

According to the South Carolina Radioactive Waste Transportation and Disposal Act of 1976, the state Department of Health and Environmental Control has control over high-level radioactive waste transportation within the state, including routing. The legislation requires shippers to comply with all applicable state and federal laws, rules and regulations, hold the state harmless for any radiological claims, purchase a permit for transport through the state, and provide the state with prenotification of shipments.

The state Department of Health and Environmental Control may call upon the Highway Department and Governor's Office to provide technical transportation and routing support.

There are four significant local legislative measures that impact the transportation and routing of high-level radioactive materials in South Carolina. County ordinance 75 in Anderson County, enacted in 1982, prohibits the transport of radioactive materials in any quantity or form into or within the county unless there is strict following of seven federal and state transportation regulations, including the U.S. Hazardous Materials Act and the South Carolina Radioactive Waste Transportation and Disposal Act. The ordinance calls on the county Office of the Supervisor to act as the Anderson County routing agency in cooperation with responsible state routing agencies in order to maintain compliance with state and federal law. Besides a prenotification requirement, the city of Charleston enacted a 1979 ordinance to specifically prohibit transport, within the city limits, of any materials, including spent fuel, that exceed federally recommended levels of radiation. The prohibition also involves any "Large Quantity" radioactive material as defined in 10 CFR Part 71. Two local resolutions were approved in Kershaw and Chesterfield Counties in 1982 and 1983, respectively, that oppose the siting and transportation of nuclear waste to a storage facility in their areas or the state.

The state agency selected by the governor to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73 is the South Carolina Department of Health and Environmental Control. The contact to obtain advanced notification for spent fuel and large quantity radioactive waste shipments is the same as listed at the top of the page.

TENNESSEE

State Routing Agency - John White
Assistant Deputy Director
Tennessee Emergency Management Agency
State Emergency Operations Center
3041 Sidco Drive
Nashville, TN 37204
(615) 252-3300

In 1979 Tennessee enacted spent fuel transportation legislation (TN-H01288, Chap 424) that authorized the state Public Service Commission as the agency to receive prenotification of spent fuel shipments into or through the state. However, the Tennessee Emergency Management Agency has since become the state routing agency for high-level radioactive materials. The Emergency Management Agency works in cooperation with the Tennessee Department of Public Health, Division of Radiological Health, as well as the Public Service Commission. A 1980 legislative measure mandates the Public Service Commission to install radiation monitoring devices at four interstate highway inspection stations.

The only local ordinance restricting the movement and routing of spent fuel involves the city of Nashville. The city ordinance (79-1265) was passed in 1979, and it prohibits the transport of hazardous materials on any city street.

The state designee to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73 is the Tennessee Emergency Management Agency. The contact to be informed in advance of spent fuel and large quantity radioactive waste shipments is the same as shown at the top of the page.

TEXAS

State Routing Agency - David Lacker
Chief
Bureau of Radiation Control
Texas Department of Health
1100 W. 49th Street
Austin, Texas 78756-3189
(512) 835-7000

Dan Smith
Deputy Director
Texas Nuclear Waste Programs Office
P.O. Box 12428
Austin, TX 78711
(512) 463-2198

The state of Texas initiated its radiation control program in 1963. In 1981 the Texas legislature enacted a bill (TX-S00480) that created the Texas Radiation Control Agency, authorizing it to establish rules and guidelines for radioactive materials transportation and routing in the state. The Texas Department of Health, Bureau of Radiation Control and the Texas Nuclear Waste Programs Office have become the combined routing authority for the state. Because of reduced federal financial support to the state under the Nuclear Waste Policy Amendments Act of 1987, the long-term status of the Nuclear Waste Programs Office is uncertain.

During the 1987 legislative session, a bill (TX-S856,H1726) was proposed but not enacted that would have required railroad companies transporting hazardous waste (including radioactive) in the state to provide the state Railroad Commission with an inventory of the company's rail line routes as well as operating schedule information.

Three local areas in Texas have passed route-restrictive measures for high-level radioactive waste transport. A 1978 Dallas city ordinance (15984) restricts the transport of all hazardous materials, including nuclear materials, to specified bypass routes and connecting segments around the city. The city of Laredo also passed an ordinance in 1978 that prohibits the transportation of hazardous materials on city streets without authorization of the local fire chief. The city of El Paso in 1979 approved an ordinance (6625) that requires a certificate of emergency transport from the city's fire marshall and health officer, or their designees, prior to shipment of any radioactive materials with the exception of medical or national security materials. The emergency transport certificate requires specific routing and scheduling information. Only three major highway thoroughfares may be used for such approved shipments.

Unlike other southern states, the governor has selected two separate agencies to receive advance notification and shipment routing information for large quantity shipments and spent fuel shipments. The state agency to receive advance notification and shipment routing information for large quantity shipments under 10 CFR Part 71 is the Texas Department of Health, Bureau of Radiological Health. The Texas Department of Public Safety, meanwhile, is the state agency to receive advance notification and shipment routing information for spent fuel shipments under 10 CFR Part 73. The contacts to receive their

TEXAS (continued)

respective advanced notification and shipment routing information are listed below.

Advanced Notification Agency - Dr. Robert Bernstein
(10 CFR Part 71) Commissioner
Texas Department of Health
Bureau of Radiological Health
1100 West 49th Street
Austin, TX 78756
(512) 458-7375

Advanced Notification Agency - Col. Leo Gossett
Director
Texas Department of Public Safety
5805 N. Lamar Blvd.
Austin, TX 78752
(512) 465-2000

VIRGINIA

State Routing Agency - James Holloway
Chief
Technological Hazards Branch
Virginia Department of Emergency Services
310 Turner Road
Richmond, VA 23225
(804) 674-2400

In 1979 the Virginia legislature passed a bill (VA-H01918, Chap 3.3) that regulates the transportation of hazardous radioactive materials. The statute required the coordinator of the Office of Emergency Services, in cooperation with the commissioner of the Virginia Department of Health, to identify transported hazardous radioactive materials. Transporters of any such listed material into, through, or within the commonwealth would be required to provide prenotification information, including the proposed route, material, transport mode and shipment schedule. The Office of Emergency Services coordinator would receive advanced notification information and then disseminate the information to local jurisdictions and officials through which the shipment would travel. The Virginia Board of Health is also responsible in this measure, as well as in a 1980 Hazardous Materials Transportation bill (VA-H01023, Chap 7, Title 18.2-278.1 through 18.2-278.7), to promulgate rules and regulations concerning radioactive and hazardous materials, respectively.

A 1984 law (VAH00813) further required the Office of Emergency Services coordinator to maintain a register of hazardous radioactive materials shippers. Finally, beginning in 1986 and currently before the Virginia General Assembly an organizational change has begun in the commonwealth, resulting in the expanded role of the Department of Waste Management and its Nuclear Waste Management Bureau. The Virginia Department of Waste Management will take over all functions involving hazardous radioactive materials beginning July 1, 1988 should the measure pass in the General Assembly. The Office of Emergency Services, however, remains the focal point for reviewing and selecting routes. The Department of Health, Bureau of Radiological Health has final approval of chosen routes.

There are two local areas in Virginia that passed ordinances affecting the transport of high-level radioactive materials. In 1984 a Louisa county ordinance agreed to drop a pending lawsuit concerning the shipment of spent fuel by the Virginia Electric and Power Company to its North Anna Nuclear power plant. The county, in turn, would allow a limited number of shipments to the facility. Spotsylvania county enacted a 1983 ordinance requiring a Certificate of Emergency Transport for non-medical and non-defense related radioactive materials shipped into, through, or within the county. The ordinance also calls for shipment escorts and prohibits any shipments to travel routes within 5,000 feet of public institutions.

The state agency selected by the governor to receive advance notification and shipment routing information under 10 CFR Parts 71 and 73 is the Virginia Department of Emergency Services. The contact to accept advanced notification for spent fuel and large quantity radioactive waste shipments is listed below.

VIRGINIA (continued)

Advanced Notification Agency - Michael M. Cline
Director of Operations
Virginia Department of Emergency Services
310 Turner Road
Richmond, VA 23225
(804) 674-2400

WEST VIRGINIA

The West Virginia legislature in 1985 passed a bill (WV-S00649) that called upon the Commissioner of Highways to promulgate rules and regulations affecting the transport of hazardous waste consistent with U.S. Department of Transportation regulations. Two other 1980 bills ban the disposal or storage of radioactive waste within the state. No local jurisdictions have enacted any resolutions or ordinances concerning radioactive materials transportation or routing.

The state follows federal routing guidelines and recommendations for approving high-level radioactive waste shipment routes. The state's acceptance and approval of U.S. Nuclear Regulatory Agency designated routes is the responsibility of the West Virginia Department of Public Safety. The Department also coordinates with the Office of Emergency Services and the state Department of Health. However, no formal executive or legislative action has been taken in the state to designate an agency for technical development and policy review concerning routing into and through the state. Representatives of the Office of Emergency Services expect a state routing agency to be named in 1988.

The state agency designated by the governor to accept advance notification and shipment routing information under 10 CFR Parts 71 and 73 is the West Virginia Department of Public Safety. The contact to receive advanced notification for spent fuel and large quantity radioactive waste shipments is listed below.

Advanced Notification Agency - Col. W.F. Donohoe
Superintendent
Department of Public Safety
725 Jefferson Road
South Charleston, WV 25309
(304) 746-2111

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