

SB 351 INTRODUCED BY WALKER, BLAYLOCK, BROWN, D., ET AL.
ENTERING PACIFIC STATES AGREEMENT ON RADIOACTIVE
MATERIALS TRANSPORTATION

2/17 INTRODUCED
2/17 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
2/17 FISCAL NOTE REQUESTED
2/19 FISCAL NOTE RECEIVED
2/20 HEARING
2/21 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/24 2ND READING PASS MOTION FAILED 22 26
2/24 2ND READING INDEFINITELY POSTPONED 26 20

1 *Senate* BILL NO. *357*
 2 INTRODUCED BY *Walter Blaylock Dan Brown Hays*
 3 *Spalko Ream Robert Yellowstone Eck*

4 A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE PACIFIC
 5 STATES AGREEMENT ON RADIOACTIVE MATERIALS TRANSPORTATION
 6 MANAGEMENT; AND AUTHORIZING THE ENVIRONMENTAL QUALITY
 7 COUNCIL TO APPOINT A STAFF MEMBER TO SERVE ON THE PACIFIC
 8 STATES RADIOACTIVE MATERIALS TRANSPORTATION COMMITTEE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Pacific states agreement on radioactive
 12 materials transportation management adopted -- text. The
 13 Pacific States Agreement on Radioactive Materials
 14 Transportation Management is entered into and adopted as
 15 follows:

16 PACIFIC STATES AGREEMENT ON
 17 RADIOACTIVE MATERIALS TRANSPORTATION MANAGEMENT

18 ARTICLE I. Policy and Purpose

19 The party states recognize that protection of the
 20 health and safety of citizens and the environment, and the
 21 most economical transportation of radioactive materials, can
 22 be accomplished through cooperation and coordination among
 23 neighboring states. It is the purpose of this agreement to
 24 establish a committee comprised of representatives from each
 25 party state to further cooperation between the states on

1 emergency response and to coordinate activities by the
 2 states to eliminate unnecessary duplication of rules and
 3 regulations regarding the transportation and handling of
 4 radioactive material.

5 The party states intend that this agreement facilitate
 6 both interstate commerce and protection of public health and
 7 the environment. To accomplish this goal, the party states
 8 direct the committee to develop model regulatory standards
 9 for party states to act upon and direct the committee to
 10 coordinate decisions by party states relating to the routing
 11 and inspection of shipments of radioactive material.

12 ARTICLE II. Definitions

13 As used in this agreement:

- 14 (1) "Carrier" includes common, private, and contract
- 15 carriers.
- 16 (2) "Hazardous material" means a substance or material
- 17 which has been determined by the United States department of
- 18 transportation to be capable of posing an unreasonable risk
- 19 to health, safety, and property when transported in
- 20 commerce, and which has been so designated.
- 21 (3) "Radioactive material" has the meaning given that
- 22 term in federal department of transportation regulations
- 23 found in 49 C.F.R. Sec. 173, and includes but is not limited
- 24 to high-level radioactive waste, low-level radioactive
- 25 waste, and spent nuclear fuel, as defined in section 2 of



1 the Nuclear Waste Policy Act of 1982 (96 Stat. 2202; 42
2 U.S.C.A. Sec. 10101).

3 (4) "Transportation" means the transport by any means
4 of radioactive material destined for or derived from any
5 location and any loading, unloading, or storage incident to
6 such transport. Transportation does not include permanent
7 storage or disposal of the material.

8 ARTICLE III. Regulatory Practices

9 Section 1. The party states agree to develop model
10 standards, not in conflict with federal law or regulations,
11 for carriers of radioactive material to provide information
12 regarding:

- 13 (1) the amount and kind of material transported;
14 (2) the mode of transportation and, to the extent
15 feasible, the route or routes and the time schedule;
16 (3) the carrier's compliance with local, state, and
17 federal rules and regulations related to radioactive
18 material transportation;
19 (4) the carrier's compliance with federal and state
20 liability insurance requirements.

21 Section 2. Consistent with federal law or regulations
22 pertaining to transportation of radioactive material, the
23 party states also agree to:

- 24 (1) develop model uniform procedures for issuing
25 permits to carriers;

1 (2) develop model uniform record-keeping processes
2 that allow access on demand by each state;

3 (3) develop model uniform safety standards for
4 carriers;

5 (4) coordinate routing of shipments of radioactive
6 materials;

7 (5) develop a method for coordinating the party
8 states' emergency response plans to provide for regional
9 emergency response, including:

10 (a) systems for sharing information essential to
11 radiation control efforts;

12 (b) systems for sharing emergency response personnel;
13 and

14 (c) a method to allocate costs and clarify liability
15 when a party state or its officers request or render
16 emergency response;

17 (6) recommend parking requirements for motor vehicles
18 transporting radioactive materials;

19 (7) coordinate state inspections of carriers; and

20 (8) develop other cooperative arrangements and
21 agreements to enhance safety.

22 Section 3. The party states also agree to coordinate
23 emergency response training and preparedness drills among
24 the party states, Indian tribes, and affected political
25 subdivisions of the party states, and, if possible, with

1 federal agencies.

2 Section 4. The party states recognize that the
3 transportation management of hazardous waste and hazardous
4 materials is similar in many respects to that of radioactive
5 materials. The party states, therefore, agree to confer as
6 to transportation management and emergency response for
7 those items where similarities in management exist.

8 ARTICLE IV. Pacific States Radioactive Materials

9 Transportation Committee

10 Section 1. Each party state shall designate one
11 official of that state to confer with appropriate
12 legislative committees and with other officials of that
13 state responsible for managing transportation of radioactive
14 material and be responsible for administration of this
15 agreement. The officials so designated shall together
16 comprise the Pacific states radioactive materials
17 transportation committee. The committee shall meet as
18 required to consider and, where necessary, coordinate
19 matters addressed in this agreement. The parties shall
20 inform the committee of existing regulations concerning
21 radioactive materials transportation management in their
22 states, and shall afford all parties a reasonable
23 opportunity to review and comment upon any proposed
24 modifications in such regulations.

25 Section 2. The committee may also engage in long-term

1 planning to assure safe and economical management of
2 radioactive material transportation on a continuing basis.

3 Section 3. To the extent practicable, the committee
4 shall coordinate its activities with those of other
5 organizations.

6 ARTICLE V. Eligible Parties and Effective Date

7 Section 1. The states of Arizona, California,
8 Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah,
9 Washington, and Wyoming are eligible to become a party to
10 this agreement. As to any eligible party, this agreement
11 shall become effective upon enactment into law by that
12 party, but it shall not become initially effective until
13 enacted into law by two states. Any party state may withdraw
14 from this agreement by enacting a statute repealing its
15 approval.

16 Section 2. After the agreement has initially taken
17 effect under section 1 of this article, any eligible party
18 state may become a party to this agreement by the execution
19 of an executive order by the governor of the state. Any
20 state which becomes a party in this manner shall cease to be
21 a party upon the final adjournment of the next general or
22 regular session of its legislature or July 1, 1988,
23 whichever occurs first, unless the agreement has by then
24 been enacted as a statute by that state.

25 ARTICLE VI. Severability

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

7 Section 2. Designation of committee member. The
8 environmental quality council shall designate a staff member
9 to serve on the Pacific states radioactive materials
10 transportation committee and to confer with appropriate
11 legislative committees and with state officials responsible
12 for managing transportation of radioactive materials.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB351, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act adopting the Pacific States Agreement on Radioactive Materials Transportation Management; and authorizing the Environmental Quality Council to appoint a staff member to serve on the Pacific States Radioactive Materials Transportation Committee.

ASSUMPTIONS:

1. Full participation of staff member at an estimated ten meetings; six in FY88 and four in FY89.

FISCAL IMPACT:

	FY88			FY89		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Personal Services	\$ 174,952	\$ 174,952	\$ 0	\$ 174,952	\$ 174,952	\$ 0
Operating Expenses	63,081	66,081	3,000	59,490	61,490	2,000
Equipment	3,000	3,000	0	3,000	3,000	0
TOTAL	\$ 241,033	\$ 244,033	\$ 3,000	\$ 237,442	\$ 239,442	\$ 2,000

Funding:

General Fund

David L. Hunter DATE 2/19/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Mike Walker DATE 2/23/87

MIKE WALKER, PRIMARY SPONSOR

Fiscal Note for SB351, as introduced.

SB 351

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

SENATE BILL NO. 351

INTRODUCED BY WALKER, BLAYLOCK, D. BROWN,
HARPER, SPAETH, REAM, MCLANE, YELLOWTAIL, ECK

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIALS TRANSPORTATION MANAGEMENT; AND AUTHORIZING THE ENVIRONMENTAL---QUALITY COUNCIL DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO APPOINT A STAFF MEMBER TO SERVE ON THE PACIFIC STATES RADIOACTIVE MATERIALS TRANSPORTATION COMMITTEE."

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

Section 1. Pacific states agreement on radioactive materials transportation management adopted -- text. The Pacific States Agreement on Radioactive Materials Transportation Management is entered into and adopted as follows:

PACIFIC STATES AGREEMENT ON
RADIOACTIVE MATERIALS TRANSPORTATION MANAGEMENT

ARTICLE I. Policy and Purpose

The party states recognize that protection of the health and safety of citizens and the environment, and the most economical transportation of radioactive materials, can be accomplished through cooperation and coordination among

neighboring states. It is the purpose of this agreement to establish a committee comprised of representatives from each party state to further cooperation between the states on emergency response and to coordinate activities by the states to eliminate unnecessary duplication of rules and regulations regarding the transportation and handling of radioactive material.

The party states intend that this agreement facilitate both interstate commerce and protection of public health and the environment. To accomplish this goal, the party states direct the committee to develop model regulatory standards for party states to act upon and direct the committee to coordinate decisions by party states relating to the routing and inspection of shipments of radioactive material.

ARTICLE II. Definitions

As used in this agreement:

- (1) "Carrier" includes common, private, and contract carriers.
- (2) "Hazardous material" means a substance or material which has been determined by the United States department of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.
- (3) "Radioactive material" has the meaning given that term in federal department of transportation regulations



1 found in 49 C.F.R. Sec. 173, and includes but is not limited
 2 to high-level radioactive waste, low-level radioactive
 3 waste, and spent nuclear fuel, as defined in section 2 of
 4 the Nuclear Waste Policy Act of 1982 (96 Stat. 2202; 42
 5 U.S.C.A. Sec. 10101).

6 (4) "Transportation" means the transport by any means
 7 of radioactive material destined for or derived from any
 8 location and any loading, unloading, or storage incident to
 9 such transport. Transportation does not include permanent
 10 storage or disposal of the material.

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12 Section 1. The party states agree to develop model
 13 standards, not in conflict with federal law or regulations,
 14 for carriers of radioactive material to provide information
 15 regarding:

16 (1) the amount and kind of material transported;

17 (2) the mode of transportation and, to the extent
 18 feasible, the route or routes and the time schedule;

19 (3) the carrier's compliance with local, state, and
 20 federal rules and regulations related to radioactive
 21 material transportation;

22 (4) the carrier's compliance with federal and state
 23 liability insurance requirements.

24 Section 2. Consistent with federal law or regulations
 25 pertaining to transportation of radioactive material, the

1 party states also agree to:

2 (1) develop model uniform procedures for issuing
 3 permits to carriers;

4 (2) develop model uniform record-keeping processes
 5 that allow access on demand by each state;

6 (3) develop model uniform safety standards for
 7 carriers;

8 (4) coordinate routing of shipments of radioactive
 9 materials;

10 (5) develop a method for coordinating the party
 11 states' emergency response plans to provide for regional
 12 emergency response, including:

13 (a) systems for sharing information essential to
 14 radiation control efforts;

15 (b) systems for sharing emergency response personnel;
 16 and

17 (c) a method to allocate costs and clarify liability
 18 when a party state or its officers request or render
 19 emergency response;

20 (6) recommend parking requirements for motor vehicles
 21 transporting radioactive materials;

22 (7) coordinate state inspections of carriers; and

23 (8) develop other cooperative arrangements and
 24 agreements to enhance safety.

25 Section 3. The party states also agree to coordinate

1 emergency response training and preparedness drills among
 2 the party states, Indian tribes, and affected political
 3 subdivisions of the party states, and, if possible, with
 4 federal agencies.

5 Section 4. The party states recognize that the
 6 transportation management of hazardous waste and hazardous
 7 materials is similar in many respects to that of radioactive
 8 materials. The party states, therefore, agree to confer as
 9 to transportation management and emergency response for
 10 those items where similarities in management exist.

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 12 Transportation Committee

13 Section 1. Each party state shall designate one
 14 official of that state to confer with appropriate
 15 legislative committees and with other officials of that
 16 state responsible for managing transportation of radioactive
 17 material and be responsible for administration of this
 18 agreement. The officials so designated shall together
 19 comprise the Pacific states radioactive materials
 20 transportation committee. The committee shall meet as
 21 required to consider and, where necessary, coordinate
 22 matters addressed in this agreement. The parties shall
 23 inform the committee of existing regulations concerning
 24 radioactive materials transportation management in their
 25 states, and shall afford all parties a reasonable

1 opportunity to review and comment upon any proposed
 2 modifications in such regulations.

3 Section 2. The committee may also engage in long-term
 4 planning to assure safe and economical management of
 5 radioactive material transportation on a continuing basis.

6 Section 3. To the extent practicable, the committee
 7 shall coordinate its activities with those of other
 8 organizations.

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 11 Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah,
 12 Washington, and Wyoming are eligible to become a party to
 13 this agreement. As to any eligible party, this agreement
 14 shall become effective upon enactment into law by that
 15 party, but it shall not become initially effective until
 16 enacted into law by two states. Any party state may withdraw
 17 from this agreement by enacting a statute repealing its
 18 approval.

19 Section 2. After the agreement has initially taken
 20 effect under section 1 of this article, any eligible party
 21 state may become a party to this agreement by the execution
 22 of an executive order by the governor of the state. Any
 23 state which becomes a party in this manner shall cease to be
 24 a party upon the final adjournment of the next general or
 25 regular session of its legislature or July 1, 1988,

1 whichever occurs first, unless the agreement has by then
2 been enacted as a statute by that state.

3 ARTICLE VI. Severability

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

10 Section 2. Designation of committee member. The
11 ~~environmental-quality-council~~ DIRECTOR OF THE DEPARTMENT OF
12 HEALTH AND ENVIRONMENTAL SCIENCES shall designate a staff
13 member to serve on the Pacific states radioactive materials
14 transportation committee and to confer with appropriate
15 legislative committees and with state officials responsible
16 for managing transportation of radioactive materials.

-End-