



# YUCCA MOUNTAIN NUCLEAR WASTE REPOSITORY PROGRAM

**CITIZENS HANDBOOK**  
**RADIOACTIVE WASTE TRANSPORTATION**  
**STATE LAWS**  
**January 3, 2005**



**CLARK COUNTY**  
**Department of Comprehensive Planning**  
**Nuclear Waste Division**  
**[www.accessclarkcounty.com](http://www.accessclarkcounty.com)**

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# From the desk of Commissioner Rory Reid, Chairman



RORY REID  
Chairman

*Board of County Commissioners*

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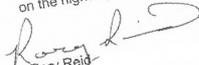
Dear Interested Citizen:

This handbook is being provided as a quick reference guide to the complex issues surrounding the transport of radioactive materials in the United States today. In it, you will find a state-by-state reporting of the permitting, routing, inspection, liability, notification, and safety requirements already in place or proposed for future adoption.

This document is intended to provide elected officials, stakeholders, and the public with up-to-date information from each State currently involved in shipping radioactive materials. As we enter into a new legislative session here in Nevada, gaining "lessons learned" from other states that have more experience in transporting these materials may be of use to us in the future, should the potential for train and truck shipments to the proposed nuclear waste repository at Yucca Mountain become a reality. While there are many steps remaining in the repository approval process, it is important for us to fully understand the issues surrounding transportation safety and security.

In addition to this quick reference handbook, this report is available in a variety of formats, including the compact disc attached to the back cover, which includes complete text for the full "Radioactive Waste Transportation State Laws" report. The full report provides detailed information about current and pending legislation, as well as legal challenges that have either upheld or struck down relevant state laws. You can also find the full report, executive summary, and related fact sheet on Clark County's website at [www.accessclarkcounty.com](http://www.accessclarkcounty.com).

I hope you find this information useful, and that it inspires you to learn more about Clark County's long-standing concerns about the transportation of high-level radioactive waste on the highways and railways of Nevada.

  
Rory Reid  
Chairman

## 1.0 INTRODUCTION

This report was commissioned by Clark County, Nevada's Department of Comprehensive Planning, Nuclear Waste Division, and prepared by Urban Environmental Research, LLC, for informational purposes only. A shipping campaign of the magnitude envisioned for the Yucca Mountain Project does not have a direct comparison from which to derive "lessons learned" and "best practices." The proposed transportation plan for shipments to the proposed high-level radioactive waste repository at Yucca Mountain is in its early stages of completion. It is therefore important for local governments to gain an understanding of the proposed shipping campaign by using existing examples from other jurisdictions. This report is intended to inform local and state elected officials, other decision makers and stakeholders, including the general public, about a comprehensive list of issues related to the transportation of radioactive waste. This report is not intended to be used for litigation, lobbying, or coalition building purposes, as prohibited under the Nuclear Waste Policy Act.

State legislation intended to govern the transportation and storage of hazardous nuclear waste is increasing across the United States. States pursuing such legislation must consciously avoid enacting laws that conflict with current federal powers. The primary powers of the federal government to control the forum of hazardous waste transport stem from the Commerce Clause of the United States Constitution and the Hazardous Materials Transportation Act (HMTA). (Art. III, U.S. Const.; HMTA (1975)). The former grants exclusive control to Congress to enact laws governing interstate commerce (e.g., highways, rivers, and internet). The latter's purpose is ". . . to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against risks to life and property which are inherent in the transportation of hazardous materials in commerce." Together, the Commerce Clause and the HMTA provide the framework within which states must legislate.

A state may not attempt to unduly interfere with interstate commerce in order to avoid a successful legal challenge to a state law. Also, if comprehensive federal legislation exists in a particular area, a state is preempted from attempting to legislate in that area.

When federal legislation only partially occupies a particular field, a state may create legislation in that area so long as it does not conflict with existing federal law.

Should the federal government pass laws addressing particular areas previously governed by state law, the federal law supersedes the state law.

Effective state legislative guidelines addressing the transportation of nuclear materials conform to federal requirements.

Federal courts traditionally apply two tests to determine if a state law governing spent fuel transportation shipments is valid: 1) the dual compliance test; and 2) the obstacle test, both of which originate from the HMTA (49 C.F.R. Part 107.221). The dual compliance test evaluates whether compliance with the state or local law is viable. The obstacle test assesses whether the regulation impedes upon the application of federal law.

The U. S. Nuclear Regulatory Commission (NRC) plays a fundamental role in setting forth federal rules that preempt state and local action. An overview of the NRC responsibilities regarding spent nuclear fuel is illustrated in table 1 on page 11 of the appendices. A vast number of states possess existing laws that supervise and control hazardous and radioactive material transport. A survey of these laws reveals common state themes in regulatory measures and means. Specifically, states legislate hazardous and radiological material transport within the following broad categories: permits; fees; routes and transportation; inspection; liability and safety. Within these categories, states vary in their methods of regulating and how they vest supervisory powers. The following sections summarize existing laws by category. A brief discussion of proposed legislation follows. A more thorough state-by-state analysis is provided in the full report.

## 2.0 TYPES OF STATE LEGISLATION

### 2.1 Permits

The range of state activity regarding permit specifications and requirements for the shipment of hazardous material is vast. Some states possess pending bills while other states have established intricate procedural and substantive requisites. The HMTA provides a baseline for permit requirements, and many states adopt all or portions of such default minimums. Other states, however, provide more stringent or comprehensive requirements for those seeking permits to transport nuclear materials. A general survey of many states' current provisions is in Table 2 on page 12 of the appendices.

Although states may not place absolute prohibitions upon the transport of spent nuclear fuel in their territories, regulations aimed at increasing safety are permitted (National Conference of State Legislatures, *Spent Fuel Transportation*, 2004). Frequently, permit regulations contain time, substantive and fiscal limitations. Time limitations require permit applicants to apply prior to a deadline such that ample time to review the application exists. In addition, permits are generally provided with an expiration date no more than a year following issuance. For instance, Colorado, Georgia and Oregon expressly state that a permit may not be valid for greater than one year. In addition, Colorado law requires single shipment permit applications.

States must be cautious when granting discretion to a single officer or member of an agency without specific criteria to be used during the evaluation process. Federal courts are suspect of licensing schemes that are overly dependent upon the subjective determination of one person. Note that prior restraints on permits/licenses via individual discretion in the forum of speech will render a law presumptively invalid, but in the forum of commerce, courts may be less stringent. (See *Toga Soc., Inc. v. Lee*, 323 F.Supp.779 (2004))

Other states focus upon substantive limits such as identification procedures, personnel records of the actual carriers, and proof of insurance. Nearly all states require standard information such as the dates, times, routes and contents of the waste to be

transported. Kansas, Nevada and Pennsylvania use a shipping manifest system. The manifest system mandates that the carrier provide and possess, at all times, official paperwork containing the dates, times, routes and contents as well as predicted arrival dates and insurance and/or surety information.

## **2.2 Fees**

Fiscal requirements include permit/shipping fees. In addition, some states stipulate that a carrier must obtain a surety to show proof of financial stability should an accident occur. For example, Tennessee requires a surety and Montana requires that a bond be obtained as prerequisites for permit issuance. Nearly all states with current legislation addressing transport of nuclear material require fees. These fees vary based on the length of the journey, the permit term and the waste to be transported. In addition to generating revenue, the fees and surety requirements provide some guarantee that the state is not undertaking massive liability with each load passing within its boundaries. Greater discussion regarding liability of states is located in Section 2.5, "Liability." A general survey of the fee methods of various states is included in Table 3 on page 15 of the appendices.

## **2.3 Routes and Transportation**

The U.S. Department of Transportation has promulgated specific highway routing guidelines pertaining to particular radioactive substances (National Conference of State Legislatures, *Spent Fuel Transportation*, 2004). The requirements therein address routes, carrier safety, and scheduling prerequisites. For those states lacking specified preferred routes, the U.S. Department of Transportation Research and Special Programs Administration issued *Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials* as a "how-to" guide for states creating preferred routes. (*Id.*)

As indicated in table 4 on page 17 of the appendices, the following states have designated routes for transportation of spent nuclear fuel: Alabama, Arkansas, California, Colorado, Delaware, Iowa, Kentucky, Nebraska, New Mexico, Ohio, Tennessee, Texas, Utah and Virginia. Each state must have its proposed routes evaluated

by the Federal Highway Administration. The U.S. Department of Transportation also requires that routing plans, driver training and Nuclear Regulatory Commission security requirements be satisfied for approval. (*Id.*)

## **2.4 Inspection**

The creation of preferred or mandated routes for spent fuel transportation may not be wholly sufficient to protect public health and safety. That is, state plans also consider means of ensuring that carriers abide by the stipulated routes. Currently, many states possess legislation that provides for state inspection of carriers' cargo. States must ensure that their regulations do not interfere with carriers' Fourth Amendment rights against illegal search and seizure. See table 5 on page 19 of the appendices.

For instance, New Jersey, New York and Oregon essentially permit "at will" inspection. The only condition these states place upon a search of a carrier's cargo is that it is "reasonable" - clearly a subjective standard when lacking stipulated parameters. In addition, Ohio permits the director of its relevant agency to inspect at will. Thus, considerable discretionary power is imputed into the serving director. Note, however, that a carrier's private rights may be infringed upon during such searches (U.S. Const. Amend. IV). Successful state legislation expressly states to whom such search powers are being vested, and includes acceptable safeguards to avoid intrastate power struggles or bureaucratic problems.

## **2.5 Liability**

Despite the existence of safety and investigatory regulations, accidents are still possible. The combination of the nature of the cargo and the density of major cities' populations makes serious damages to property and person a substantial risk. The materialization of such a risk could result in massive costs. States that have addressed liability create exculpatory laws that limit state governmental liability. Such states place damage liability on the carrier, and thereby circumvent liability for in-state accidents. Table 6 on page 21 of the appendices lists some of the current laws used by states to govern liability for the transportation of spent nuclear fuel.

States must decide what type of liability to impose upon a carrier. Civil and criminal liability exists in many states. The level of culpability depends upon the nature of the offense. States may levy mandated fines for each violation or create a range of potential civil or criminal penalties. Also, the process by which liability is determined varies state-to-state. Some states, such as New York, are lobbying for a law that imposes strict liability (mandatory penalty). Other states consider mitigating factors, such as Illinois, which only imposes civil fines up to \$10,000 per violation, but considers surrounding circumstances, and refrains from imposing criminal liability. Yet, New Jersey evaluates fines based on the number of previous offenses, and stipulates specific costs for violations involving compressed gases that take place on a specified route. The options available to states in imposing civil and criminal liability vary tremendously. Many states recognize that the Fifth Amendment and privacy rights of the Fourth Amendment need to be balanced and protected in order to avoid invalidation of laws.

## **2.6 Notification**

The U.S. Department of Transportation Research and Special Programs Administration states that notification requirements created by state and local entities for the transportation of hazardous waste are typically preempted by federal rules (*Index to Preemption, Fee Requirements*, Office of Chief Counsel). Yet, states are permitted to regulate pre-notification involving the transportation of radioactive materials. Table 7 on page 23 of the appendices is a sample of the various requirements imposed by states with existing legislation governing notification. The requirements may apply prior to transportation of the material or in the event of an accident. The Nuclear Regulatory Commission mandates that pre-notification of transport be provided to the governor (or the governor's designee) prior to the date of departure (10 C.F.R. 71, 73). Depending upon the volume of material being transported, NRC and the state must be notified at least 7 days prior to departure.

The NRC regulations addressing notification serve as a baseline for notification laws. That is, states may legislate within the forum of notification, but may not impose standards that are less stringent than those put forth by the NRC. The result is a plethora of

regulatory methods being employed by state and local entities. Some states, such as Illinois, base notification periods on the concentration of the spent fuel being moved. Others, such as Connecticut, impose “at will” required reporting. Another example, New York, focuses on the identification during the transport by requiring the permit number and name of carrier to be on both sides of the vehicle. The most common approach, however, mirrors that of the NRC by requiring name, address, telephone number, names of the shipper and receiver as well as a description of the waste to be provided by the carrier prior to shipment. Pennsylvania law focuses upon the notification process in the event of an accident by demanding that a designated public agency be contacted at the time of an accident in addition to the NRC requirements mandating governor notification. For those states that have not directly regulated pre-notification, the NRC standards apply. Approximately 33 states rely upon requirements akin to those stipulated by the NRC. (National Conference of State Legislatures, *Spent Fuel Transportation*, 27 (2004)).

## **2.7 Safety**

State and local entities possess a wide latitude of enforcement within the arena of emergency preparedness and response. Accidents that involve waste shipments are the responsibility of local emergency response personnel. Yet, when accidents involving radioactive material involve defense related activities, the federal government is the responsible body. Note, however, that state/local agencies and the federal government may work together in some instances. For example, a local entity may request federal or state funding to assist with emergency response procedures. Yet, a state may not prohibit radioactive material shipments based on inadequate emergency response capabilities.

Table 8 on page 25 of the appendices provides a sample of the state imposed safety measures promulgated to ensure ample responsiveness in the event of an accident. The methods employed vary greatly. For instance, Kentucky imposes a rule that requires the carrier to notify the Kentucky police within one hour of an accident. Contrasting Kentucky’s approach, Oregon organized a radiation response team that is led by the state Department of Energy and also requires immediate reporting of all accidents. Kentucky and

Oregon illustrate the wide array of possible means by which to monitor and control safety measures.

### **3.0 PROPOSED LEGISLATION**

As noted above, state legislative action addressing spent nuclear fuel is increasing dramatically. Currently, Connecticut, Illinois, Missouri, New Hampshire and Washington are awaiting votes on pending legislation. The following shall briefly discuss some of the contents of such legislative action.

Connecticut is seeking to update and modify annual costs for its four nuclear powered commercial electric power generating plants. The fee is being increased from \$40,000 per year to \$60,000 per year. In addition, nuclear fuel radiation facilities will have to pay an increased annual fee of \$15,000, as opposed to the former rule requiring \$10,000.

Illinois is amending the Illinois Nuclear Safety Preparedness Act by requiring fees for trucks hauling a newly defined "highway route controlled quantity of radioactive materials." In addition, the proposed plan implements inspection procedures for shipments of radioactive material, and places inspection responsibility into the hands of the Illinois Nuclear Safety Preparedness Program. The Illinois legislature has also proposed that fees placed on trucks be measured based on the distance of the shipment rather than on the number of casks being transported. In addition, Illinois is attempting to expand its definition of authorized emergency vehicles, and is trying to eradicate language that could potentially limit authorized vehicles only to the Department of Nuclear Safety.

Missouri has proposed to appoint a joint committee to consider proposals for restructuring fees paid by hazardous waste generators and facilities. The proposed committee's responsibilities would include preparing and submitting a report to the House of Representatives, and the Senate no later than December 31, 2004.

New Hampshire is attempting to make changes to the decommissioning of nuclear electric generating facilities laws. The changes would address the funding and administration of nuclear decommissioning, and prohibit transportation, storage, or disposal of spent nuclear fuel within the state or its coastal jurisdiction. New Hampshire also proposed a law that would adopt specific regulations addressing radiological health rules relating to the transportation of

radioactive material. The regulations address the packaging and preparing of radioactive materials for shipment on roads and highways within the State.

Washington's bill attempts to instill power to a certified transportation commission employee to search, at will, any business that receives, ships or offers for shipment, hazardous materials by rail. The power will also apply to those parties that manufacture, maintain or repair containers that are sold for use in the transportation of waste by rail.

An in-depth analysis of each state's current regulations is provided in the full report (see attached compact disk). The report is intended to provide information to state and local officials, stakeholders and the general public regarding an area of potential impact to communities across the country. Lessons learned from other jurisdictions will inform Nevada's policy and lawmakers at the state and local levels. As new information becomes available, this report will be updated to reflect substantive regulatory changes that may affect us.

# APPENDICES

## Appendix A - Tables

Table 1 U.S. Nuclear Regulatory Commission Radiological Shipment Requirements

Table 2 States Requiring Permits to Ship Radiological Waste

Table 3 State Permit Fees

Table 4 Routes

Table 5 State Inspection Programs

Table 6 Liability

Table 7 State Notification Requirements

Table 8 Safety Requirements

Table 1 U.S. Nuclear Regulatory Commission Radiological Shipment Requirements

<b>Establishes the procedures for the advance approval of routes</b>
<b>Establishes the procedures for responding to theft and/or sabotage of shipments</b>
<b>Requires visual cargo surveillance during stops</b>
<b>Responsible for communication monitoring process</b>
<b>Requires written shipment logs</b>
<b>Instructs drivers of radiological materials to avoid intermediate stops</b>
<b>Provides for two armed escorts in urban areas and one in other area during shipments</b>
<b>Requires escorts to report every two hours</b>
<b>Provides for coordination with local officials and/or emergency response personnel</b>
<b>Establishes the procedures for immobilizing trucks in the event of a spent fuel incident</b>

Table 2 States Requiring Permits to Ship Radiological Waste

STATE	PERMITS
AZ	Only for waste created within state; required to transport\
CO	Annual, not required for federal vehicles; annual/single trip permits available
CT	Department of Transportation Commissioner Authority (discretionary); detailed certification required
FL	Required for any transportation: description of route, material and destination
GA	Commissioner authority: dates, times, routes, contents; annual permits available
ID	Statement of future enactment: pending legislation
IL	Required application to IL Dept. of Nuclear Safety (name, address, type of material). Issued only to registered generator/broker or treatment facility
KS	Required license from state agency/U.S. Nuclear Regulatory Commission: mandatory shipping manifest in vehicle containing name, address, phone number, description of waste and volume
KY	Required and issued by Cabinet; requirements vary based on type of material
MD	Certificate required w/bond or other security
MS	Must apply at least 30 days prior to shipment: proof of adequate liability insurance
MO	Required: including proof of guarantees, liability insurance, bond, types and size of equipment (separate requirements for power unit transporters)
NE	Pending legislation

Table 2 States Requiring Permits to Ship Radiological Waste

STATE	PERMITS
NV	Department of Public Safety required registration and permit; Health Division of Department of Human Resources must issue license to dispose of radioactive waste; manifest required at all times for transport
NH	Commissioner discretion to adopt rules regarding licensing: name, address, emergency response personnel, routes, contents, foreseeable accident scenarios, volume and/or number of casks
NM	Pending legislation
NJ	Incorporated by reference: Title 49 Transportation, Federal Register (April 1, 1999)
NY	Permit required plus fee: discretionary surety and security
OH	General license/specific license distinction based on presence of quality assurance; dependent upon U.S. Nuclear Regulatory Commissior
OR	Issued by State Department of Energy; max permit=1yr.; application process to be decided by Director of Department of Environmental Quality; additional permit from Oregon Department of Transportation requiring application that includes: name, address, identification of waste and name of carrier; time of destination; record check of all carriers; insurance proof; conditional permit available; levels of license in accordance with type and volume of waste
PA	Manifest system used; records of low-level waste must be maintained and must identify volume and content of the waste
RI	Rhode Island-Massachusetts Interstate Low-Level Radioactive Waste Management Compact governs

Table 2 States Requiring Permits to Ship Radiological Waste

<b>STATE</b>	<b>PERMITS</b>
<b>SC</b>	<b>Permit required as department specifications; pending legislation</b>
<b>TN</b>	<b>Surety bond in amount required by Department; proposed legislation</b>
<b>UT</b>	<b>Incorporation by reference U.S. Department of Transportation Regs. 49 CFR 170-189 (2002)</b>

Table 3 State Permit Fees

STATE	FEES
CO	Fee per 5 vehicles
CT	\$25
FL	"reasonable fees"/annual for low-level: \$100
GA	\$100 annual; single available
IA	Fee only: \$1,750 per highway cask; single cask truck shipments subject to \$15 per mile surcharge for every mile over \$250; \$1,250 first rail cask, \$100 for each additional rail cask
ID	Proposed legislation for reasonable fees (\$20-\$70 for single; \$250-\$500 annual)
IL	Fee cost according to volume (post Oct. 1985 fee increased to \$3 per cubic foot)
IN	"Notice" required, no permit, \$1,000 per cask fee
KS	Not discussed
KY	\$25 plus full cost of escort across Kentucky
MD	Annual Certificate Fee = \$50 or less
MN	All hazmat: \$50 registration fee, \$15 per apportioned vehicle; "Notice" required, no permit, \$1,000 per cask
MS	Fee established by agency and State Board of health; \$2,500
MO	Annual application fee; annual usage fee based on tonnage, mileage. Set to generate \$600,000
NE	\$2,000 per cask of high level waste shipped in or through state (pending legislation)

Table 3 State Permit Fees

STATE	FEES
NV	All hazmat: \$500 plus \$125 per truck; plus actual cost for additional assessment required of motor carriers of radioactive waste
NH	General definition without specific measures or computation methods
NM	Pending legislation
NJ	Undecided, but governed by State
NY	Initial \$500 for first shipment; \$200 per additional
OH	All hazmat: \$50 registration fee; apportioned per truck fee; \$600 permit fee
OR	\$70 per shipment; annual of \$500 or \$70 for well-logging, radiographic and other shipments; may petition for alternative fee if severe impact demonstrated
PA	\$1,000 per shipment
RI	No fee
SC	Cash/Corporate Surety of \$500,000
TN	\$1,000 per cask for truck; \$2,000 per cask for rail
TX	N/A
UT	\$400 per shipment
VA	N/A
VT	Approval to transport and \$1,000
WI	\$25 annual/\$20 one-day permit
WV	\$50 registration fee

Table 4 Routes

STATE	ROUTES
CO	State Patrol w/Dept. Public Safety
CT	None as of 2000
DE	State designated
FL	49 C.F.R. 397.1.1
ID	Stipulated non-radioactive hazmat routes
IL	Non-radioactive hazmat routes in accordance with Fed. Reg., Vol. 65, No. 233, Dec. 4, 2000.
KS	Not Discussed
KY	Designated Routes for radioactive/non-radioactive in accordance with 49 C.F.R. 397.1.1
MD	49 C.F.R. 397.1.1
MS	49 C.F.R. 397.1.1
MO	Department of Transportation examine routes and feasible local alternatives
NE	49 C.F.R. 397.1.1
NH	No designated routes; see Fed. Reg. Vol. 65, No. 233, p. 75794 (Dec. 4, 2000). Commissioner shall conduct at least one public hearing on each proposed route to the extent not inconsistent with federal law
NM	Other than preempted areas by federal statute, State Transportation Commission has the exclusive authority to designate routes for transportation
NJ	Undecided
NY	49 C.F.R. 397.1.1
OH	49 C.F.R. 397.1.1

Table 4 Routes

STATE	ROUTES
OR	Routes decided by Department of Energy, U.S. Department of Transportation & Nuclear Regulatory Commission; must be in compliance with 49 C.F.R. 397.1.1
PA	49 C.F.R. 397.1.15
RI	49 C.F.R. 397.1.15
SC	No routes yet designated for hazardous materials
TN	49 C.F.R. 397.1.1
TX	State designated routes
UT	Utah designated routes in accordance with 49 C.F.R. 397.1.1

Table 5 State Inspection Programs

STATE	INSPECTION
AZ	Agency representative, public/private property any time (may co-opt with fed)
CO	Port of Entry; within State of Colorado by State Patrol Officers
CT	Department of Environmental Protection
FL	At will of public/private property
GA	Commissioner delegates Department of Motor Vehicle employees
ID	Stipulated conformity to state requirements regarding unreasonable search and seizure
MD	Controlled substance manifest; notify of contents, source, destination and volume
MO	Annual recorded training; driver files, vehicle inspections; required daily vehicle inspections
NE	Pending state legislation
NV	Authorized employee or agent of Commission or the State Department of Conservation and Natural Resources may enter public/private at will where hazardous may exist
NH	High level waste subject to inspection at will by delegates of the commissioner; results must conform to federal regulations
NM	Limit: must be consistent and equal to or less stringent than federal standards
NJ	State police may break cargo seal at will during inspection, excluding U.S. Postal Service or Department of Defense seals/locks. Pending proposed legislation
NY	May inspect at any reasonable time; permit approval conditional upon results

Table 5 State Inspection Programs

STATE	INSPECTION
OH	Duty to inspect cargo placed upon licensee; right of Director to inspect/test at will
OR	Director may authorize any employee to inspect at will at reasonable time and in reasonable manner; sample may be required; state run inspection process; licensee duty to inspect cargo
UT	According to Interstate Compact - in accordance with host state

Table 6 Liability

STATE	LIABILITY
AZ	Tort; Criminal
CO	Criminal; Civil; Strict Liability
CT	Civil & \$10,000 or less; interstate immunity
GA	Stipulated recovery for all damages/costs from all responsible parties; individual criminal
ID	Up to \$10,000 for misrepresentations on application, label, report or other documents; up to \$10,000 for any other violation; criminal liability
IL	Civil up to \$10,000 per violation; mitigating factors taken into account
KS	Criminal: Civil penalty up to \$25,000 per violation
MS	\$5,000 fine or five years in prison
MO	Specific mental states listed; no pecuniary punishment listed or scaled
NE	Pending state legislation
NH	Universal cost, damages and fee recovery clause; individual criminal liability
NJ	Incorporated pertinent Fed. Regs.; First offense: \$5,000; Second offense: \$10,000; Thereafter: \$25,000. \$500 per 10 lbs. of compressed gases using Route 29 tunnel facility
NY	Proposed state legislation: Individual right to tort suit, strict liability
OR	Oregon Office of Energy may issue order to halt if clear and immediate danger

Table 6 Liability

STATE	LIABILITY
SC	State Immunity: Violator civil penalty of up \$1,000 per violation; permit revocation
UT	Civil: up to \$5,000: Criminal; proposed state legislation stipulating strict liability

Table 7 State Notification Requirements

STATE	NOTIFICATION
AZ	48 hours + storage posting required (conspicuous); pre-transport notice required + information (destination, address, dates)
CO	Signs placed/maintained on public roads for designated routes
CT	Optional at will required reporting
FL	No less than 48 hours prior for any transport; United States Reg. Commission inspection of radiation
GA	Prior to transport, Commissioner notification required (vague)
IL	Detailed requirements for labeling; exempt lists based on concentration
KS	Advance notification including: name, address, number, carrier, receiver, description of waste, origin, estimated arrival date
KY	Must carry shipment papers; notice required in accordance
MO	Required notification of railroad accidents (specific methods and duties based on type, content, etc.)
NE	Pending state legislation
NH	7 days notice prior to the transportation within state, must identify: permit, origin, destination, time of arrival
NM	Limit: must be consistent with and equal to or less stringent than federal standards
NY	Name of transporter on both sides of vehicle; permit number must be displayed

Table 7 State Notification Requirements

STATE	NOTIFICATION
OH	Advance notice of shipment through or across state boundary in writing including name, address, telephone numbers of shipper and receiver; and description of the waste
OR	Packaging requisites including serial number tracking system; 48 hr. advance notice required for certain level of transport containing name, address, and telephone numbers of shipper, carrier, receiver and description of waste
PA	If accident or spill, must contact "designated" public agency; prior notification to Governor required
RI	Id.
TN	4 day advance notice provided to Governor and Director of Radiological Health

Table 8 Safety Requirements

STATE	SAFETY
AZ	Response Team = N/A
CT	Emergency Plan/Response Evaluation Process
FL	Specifications for truck safety, length, etc.
GA	State requirements for packaging; U.S. Department of Transportation requirements for procedure of travel, marking, accident reporting
IL	Significant measures for monitoring intake of materials; required radiation level labels; mandatory reporting to department; specified quality enforcement procedures
KY	Required reporting to KY Police within one hour of accident; must have shipping papers
MO	Department of Transportation director "shall" develop "Hazardous Substance Emergency Response Plan": Marking requirements, containment methods, prevention and preparedness criteria for transporters
NE	Pending legislation
NV	To be governed by Department of Public Safety
NY	Emergency permits for the transport of low-level radioactive waste; duty to report to Department of Health immediately
OH	Packaging requisites including: approval processes and serial number tracking process
OR	Response program including radiation response team; run by state Department of Energy Director; immediate notice required if accident or tampering
TN	Must provide for an escort for all nuclear spent fuel
UT	Approval of Department of Transportation required; future issuance of permit approval process

## NOTES

## NOTES



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