

## CONNECTICUT GENERAL STATUTES

### **Sec. 16a-106. (Formerly Sec. 19-409d). Transporting of radioactive materials in the state. Permit required. Regulations. Exemptions. Penalty.**

(a) No person shall transport into or through the State any of the following materials: (1) Any quantity of radioactive material specified as a "large quantity" by the Nuclear Regulatory Commission in 10 CFR, Part 71, entitled "Packaging of Radioactive Material for Transport", (2) any quantity of radioactive waste which has been produced as part of the nuclear fuel cycle and which is being shipped from or through the state to a waste disposal site or facility or (3) any shipment of radioactive material or waste which is carried by commercial carrier and which is required in 10 CFR or 49 CFR to have a placard unless such person has been granted a permit to transport such materials from the Commissioner of Transportation.

(b) Prior to the transporting of such materials, such person shall apply to the Commissioner of Transportation for a permit and provide said commissioner with the following information: (1) Name of shipper, (2) Name of carrier, (3) Type and quantity of radioactive material or waste, (4) Proposed date and time of shipment, (5) Starting point, scheduled route, and destination and (6) Any other information required by the Commissioner. Said Commissioner shall grant such permit upon a finding that the transporting of such material shall be accomplished in a manner necessary to protect public health and safety of the citizens of the state. Such permit shall be granted or denied not later than three days, Saturdays and Sundays excluded, after such person has applied for such permit, except that if the Commissioner determines that additional time is required to evaluate such application, the Commissioner shall notify such person not later than such three-day period that such additional time is required. Said Commissioner may require changes in dates, routes or time for the transporting of such material or the use of escorts in the transporting of such material or waste if necessary to protect the public health and safety. The Commissioner may consult with the Commissioner of Environmental Protection and the Commissioner of Public Safety prior to the granting of such permit and shall immediately notify the Commissioner of Public Safety of the granting of any permit and of the terms and conditions of such permit. The Commissioner of Public Safety shall establish an inspection procedure along scheduled routes to ensure compliance with permit conditions and with regulations adopted by the Commissioner of Transportation pursuant to subsection (c).

(c) The Commissioner of Transportation shall, not later than November 1, 1976, and after consultation with the Commissioners of Environmental Protection and Public Safety and the Secretary of the Office of Policy and Management, the director of emergency management and representatives of the Federal Nuclear Regulatory Commission and the United States Department of Transportation, adopt regulations pursuant to chapter 54, to carry out the provisions of this section. The Commissioner of Transportation shall, after consultation with the Commissioner of Public Safety, establish by regulations adopted pursuant to chapter 54 a permit fee schedule commensurate with the cost of administering the provisions of this section.

(d) This section shall not apply to radioactive materials shipped by or for the United States government for military or national security purposes or which are related to national defense. Nothing herein shall be construed as requiring the disclosure of any defense information or restricted data as defined in the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974, as amended.

(e) Notwithstanding the provisions of sections 1-15, 1-18a, 1-19, 1-19a, 1-19b, 1-21, 1-21a and 1-21c to 1-21k, inclusive, the Commissioner of Transportation shall not disclose to any person other than the Commissioner of Environmental Protection or the Commissioner of Public Safety any information provided the Commissioner of Transportation pursuant to subsection (b) prior to the completion of such shipment to which such information relates.

(f) Any person who violates any provision of this section shall be fined not more than ten thousand dollars for each violation.

(P.A. 76-321, S. 1, 2; P.A. 77-162; 77-614, S. 19, 486, 610; P.A. 79-527, S. 1; P.A. 90-230, S. 22, 101.)

History: P.A. 77-162 prohibited transport of radioactive material or waste carried by commercial carrier and required to have a placard without permit in Subsec. (a); P.A. 77-614 replaced commissioner of planning and energy policy with secretary of the office of policy and management and, effective January 1, 1979, replaced Commissioner of State Police with Commissioner of Public Safety and made State Police Department a division within Department of Public Safety; P.A. 79-527 required notification of public safety commissioner when permit issued, required public safety Commissioner to establish inspection procedure and required Transportation Commissioner to consult with Public Safety Commissioner concerning regulations; Sec. 19-409d transferred to Sec. 16a-106 in 1983 corrected a reference to the Director of Emergency Management in Subsec. (c).

### **Sec. 16a-107. (Formerly Sec. 19-409e). Authority of Commissioner of Transportation concerning transport of radioactive material or waste supersedes any municipal ordinance.**

No municipality shall adopt an ordinance which in any way restricts the authority of the Commissioner of Transportation to designate the dates, routes or time for the transporting of such radioactive material or waste and said Commissioner's authority shall supersede the provisions of any existing municipal ordinance to the contrary.

(P.A. 79-527, S. 2.)

History: Sec. 19-409e transferred to Sec. 16a-107 in 1983.

### **Sec. 16a-108. [Reserved.]**

Reserved for future use.