

AN ORDINANCE REGULATING THE TRANSPORTATION OF RADIO-
ACTIVE MATERIALS THROUGH THE CITY OF OBERLIN

Whereas the number of accidents involving the shipment and transportation of radioactive materials has increased, including one recently in Aurora, Ohio; and

Whereas the number of radioactive material shipments is increasing and will continue to increase, according to studies by the Nuclear Regulatory Commission; and

Whereas the number of radioactive material shipments through the Northeastern Ohio area will greatly increase if the Salina Salt Beds (which underlie Lorain County) are turned into a depository for nuclear waste; and

Whereas the shipment and transportation of radioactive materials is dangerous, and that any accident resulting therefrom constitutes a health and safety hazard to the immediate community wherein such an accident occurs; and

Whereas the federal and state regulatory agencies governing various stages of the shipment and transportation of radioactive materials and disasters relating to them do not adequately prevent the occurrence of such accidents in local communities, and that the confusion in federal and state responsibility has rendered it necessary for the city of Oberlin to supplement and present regulations with its own procedure for the shipment and transport of radioactive materials within the city itself; and

Whereas this ordinance is necessary to preserve the safety, health, and welfare of the citizens of Oberlin.

BE IT ORDAINED, by the Council of the City of Oberlin, Lorain County, Ohio, a majority of those members elected thereto concurring:

SECTION 1. Purpose and Definitions

A. The purpose of this ordinance is to provide minimum standards and regulations insuring the safe shipment and transportation of radioactive materials through the City of Oberlin.

B. For the purpose of this ordinance the following terms, phrases and words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words

used in the present tense include the future, words used in the plural number include the singular, and words used in the singular include the plural. The word "shall" is always mandatory.

1. "Radioactive Material" means any material or combination of materials which spontaneously emits ionizing radiation.
2. "Large Quantity Radioactive Materials" means a quantity the aggregate radioactive of which exceeds that specified in 10 Code of Federal Regulations Part 71 Section 71.4 (f).
3. "Type B Quantity Radioactive Material" means a quantity the aggregate radioactivity of which exceeds that specified in 10 Code of Federal Regulations Part 71 Section 71.4 (q).
4. "Curie" is that quantity of radioactive materials which decays such that 37 billion atoms disintegrate per second.
5. "Person" means any individual, partnership, or corporation engaged in the transportation of passengers or property; as common, contract, or private carrier, or freight forwarder, as those terms are used in the Interstate Commerce Act.

SECTION 2. Permit Required

A. A permit issued by the City Manager or her/his designated representative shall be required for the shipping or transportation of Type B Quantity and Large Quantity Radioactive Materials by motor vehicle into, within, through or out of the City of Oberlin. This includes, but is not limited to the following:

1. Plutonium isotopes in any quantity and form exceeding .001 Curies;
2. Uranium isotopes in any quantity and form exceeding 3 Curies;
3. Spent reactor fuel elements or mixed fission products associated with such fuel elements classified as Type B Quantity or Large Quantity Radioactive Materials.
4. Any quantity, arrangement, and packaging combination of fissile material specified by the U.S. Nuclear Regulatory Commission as a "Fissile Class III" shipment in 10 Code of Federal Regulations Part 71 Section 71.4 (d)(3); or

5. Any shipment or transportation of radioactive materials that is required by the appropriate regulating agency to be accompanied by an escort for safety reasons.

B. Radioactive Materials shipped by the U.S. Postal Service do not include Type B and Large Quantity Radioactive Materials and therefore do not fall under the jurisdiction of this regulation.

C. This section shall not apply to radioactive materials shipped or transported by or for the U.S. Government for military, security, or national defense purposes.

SECTION 3. Notification

When those radioactive materials requiring a permit as specified in this ordinance are to be shipped or transported into, within, through, or out of the city of Oberlin, the shipper or carrier shall first notify the City Manager or her/his designated representative on a form provided two weeks prior to the date of shipment. The form shall include the date of shipment, type and quantity of radioactive materials involved, method of transport, route, starting point and time, entrance and exit points and times in the City of Oberlin, final destination, and such other information as the City Council may reasonably require. 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.

SECTION 4. Issuance of Permit

A. A permit shall not be issued to any person for the shipment or transportation of those radioactive materials specified in this ordinance unless:

1. There is a showing that the radioactive material has been or will be containerized or packaged and labeled in conformity with the regulations of the U.S. Department of Transportation, U.S. Nuclear Regulatory Commission, and other related federal or state agencies regardless of whether the shipment is being made locally, intrastate, or interstate; and
2. There is a showing that each shipper or carrier secures all radioactive materials against theft, loss, or any unauthorized removal from the vehicle; and

3. There is a showing that the shipment or transportation of radioactive materials is necessitated by urgent public policy or national security interests transcending public safety and health concerns. Economic considerations alone will not be acceptable as justification for the issuance of a permit. For the purposes of this section:
- a. An "urgent public policy" shall include the use of radioactive materials by a physician in medical practice, or biomedical research or education purposes.
 - b. An "urgent public policy" shall not include interest other than those specified in Section 4. A (3)(a), unless expressly authorized in writing by the U.S. Department of Transportation, or other appropriate federal or state agency. Such authorization shall state that the particular interest involved is, in the opinion of the agency, permitted by federal or state regulations pertaining to the shipment or transport of radioactive materials, and that the interest involved justifies the risks resulting from such shipment or transportation.

B. Radioactive materials which are permitted to be shipped or transported through the city of Oberlin pursuant to this ordinance, shall be shipped or transported through Oberlin over such routes, or at such times of the day, as the City Manager or her/his designated representative shall direct.

SECTION 5. Penalties

Any person who violates any provision of this chapter shall be guilty of a misdemeanor of the first degree.

SECTION 6. This ordinance is declared to be necessary for the immediate preservation of the public safety, health, and welfare of the citizens of Oberlin. Therefore this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st reading - May 7, 1979
2nd reading - May 21, 1979 (Tabled until 2nd meeting in September)
3rd reading - Oct 1, 1979 (Sept. 17 date extended to Oct 1, 1971)

ATTEST:

Eugene J. Simon
CLERK OF COUNCIL

John F. Bauman
CHAIRMAN OF COUNCIL

POSTED: October 2, 1979