

# SENATE BILL No. 55

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-8-3.

**Synopsis:** Transportation of high level radioactive waste. Requires a person who wishes to transport high level radioactive waste in Indiana to submit to the director of the state emergency management agency: (1) a notice that includes the highway or railway route, date, and time of the shipment of high level radioactive waste and certain other information required under federal law; and (2) a transportation fee of \$1,000 for each vehicle and railroad car that will be used to transport high level radioactive waste in Indiana. Specifies that transportation fees are deposited in the nuclear response fund to provide appropriate education, training, and equipment to local emergency management agency personnel in counties that will be affected by the transportation of high level radioactive waste. Requires the director of the state emergency management agency to consult with: (1) the state health commissioner of

(Continued next page)

**Effective:** July 1, 1998.

---

---

## Gard

---

---

January 6, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.

---

---



Digest Continued

the state department of health; (2) the commissioner of the Indiana department of transportation; (3) the commissioner of the department of environmental management; (4) the superintendent of state police; and (5) representatives of the United States Nuclear Regulatory Commission, Federal Emergency Management Agency, and United States Department of Transportation to prepare a plan for emergency response to a high level radioactive waste transportation accident in Indiana. Allows the director of the state emergency management agency to require preferred routes, dates, or times for transporting high level radioactive waste in Indiana under certain circumstances.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL No. 55

---

A BILL FOR AN ACT to amend the Indiana Code concerning the environment and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 10-8-3 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1998]:  
4 **Chapter 3. Transportation of High Level Radioactive Waste**  
5 **Sec. 1. This chapter does not apply to radioactive materials**  
6 **shipped by or for the federal government for:**  
7 **(1) military;**  
8 **(2) national security; or**  
9 **(3) national defense;**  
10 **purposes.**  
11 **Sec. 2. As used in this chapter, "high level radioactive waste"**  
12 **means:**  
13 **(1) irradiated reactor fuel;**  
14 **(2) liquid wastes that result from reprocessing irradiated**  
15 **reactor fuel or solids into which the liquid wastes have been**



1 converted;

2 (3) radioactive waste that contains alpha emitting transuranic  
3 elements that is not acceptable for near-surface disposal (as  
4 defined in 10 CFR 61.55);

5 (4) other highly radioactive materials that the:

6 (A) United States Nuclear Regulatory Commission; or

7 (B) United States Department of Energy;

8 determines by law to require permanent isolation; or

9 (5) byproduct material (as defined in Section 11e(2) of the  
10 federal Atomic Energy Act of 1954 (42 U.S.C. 2014), as  
11 amended).

12 **Sec. 3.(a) Before a person may transport high level radioactive**  
13 **waste in Indiana, the person must submit both of the following to**  
14 **the director:**

15 (1) A notice that includes:

16 (A) the highway or railway route, date, and time of the  
17 shipment of high level radioactive waste; and

18 (B) other information required under 10 CFR 71.5a and 10  
19 CFR 73.37(f).

20 (2) A transportation fee of one thousand dollars (\$1,000) for  
21 each:

22 (A) vehicle; and

23 (B) railroad car;

24 that will be used to transport high level radioactive waste in  
25 Indiana.

26 (b) The director shall deposit fees collected under this section in  
27 the nuclear response fund established by section 6 of this chapter.

28 **Sec. 4. (a) The director shall consult with:**

29 (1) the state health commissioner of the state department of  
30 health;

31 (2) the commissioner of the Indiana department of  
32 transportation;

33 (3) the commissioner of the department of environmental  
34 management;

35 (4) the superintendent of state police; and

36 (5) representatives of the:

37 (A) United States Nuclear Regulatory Commission;

38 (B) Federal Emergency Management Agency; and

39 (C) United States Department of Transportation;

40 to prepare a plan for emergency response to a high level  
41 radioactive waste transportation accident in Indiana. The plan  
42 must include provisions for evacuation and cleanup.



1           **(b) The director shall report to the general assembly each year**  
 2 **on the:**

- 3           **(1) status of the plan prepared under subsection (a); and**  
 4           **(2) ability of the state to respond adequately to a high level**  
 5 **radioactive waste transportation accident in Indiana.**

6           **Sec. 5. (a) Under 49 CFR Part 177, the director may require**  
 7 **preferred routes, dates, or times for transporting high level**  
 8 **radioactive waste in Indiana if the director determines under**  
 9 **United States Department of Transportation "Guidelines for**  
 10 **Selecting Preferred Highway Routes for Large Quantity Shipments**  
 11 **of Radioactive Materials" that alternative routes, dates, or times**  
 12 **are safer than proposed routes, dates, or times.**

13           **(b) The director shall:**

- 14           **(1) annually review federally approved highway and railway**  
 15 **routes for transporting high level radioactive waste in**  
 16 **Indiana; and**  
 17 **(2) select new state designated routes in accordance with 49**  
 18 **CFR Part 177 if safety considerations indicate the alternate**  
 19 **routes would be preferable.**

20           **(c) Before the director may require alternative routes under**  
 21 **subsection (a) or select new state designated routes under**  
 22 **subsection (b), the director must do all of the following:**

- 23           **(1) Consult with all of the persons described in section 4(a) of**  
 24 **this chapter.**  
 25           **(2) Conduct in conjunction with the local emergency**  
 26 **management agency in the county at least one (1) public**  
 27 **hearing in each county affected by the proposed alternative**  
 28 **route or new state designated route.**  
 29           **(3) Notify the:**  
 30           **(A) state health commissioner of the state department of**  
 31 **health;**  
 32           **(B) commissioner of the department of environmental**  
 33 **management;**  
 34           **(C) superintendent of state police; and**  
 35           **(D) local emergency management agency in each affected**  
 36 **county;**

37 **of the director's final decision concerning an alternative route**  
 38 **or a new state designated route before the date upon which**  
 39 **the alternative route or new state designated route takes**  
 40 **effect.**

41           **(d) The state does not incur any liability by requiring alternate**  
 42 **routes, dates, or times to be used as provided under this section.**



1           **Sec. 6. (a) The nuclear response fund is established to provide**  
2 **appropriate education, training, and equipment to local emergency**  
3 **management agency personnel in counties that will be affected by**  
4 **the transportation of high level radioactive waste under this**  
5 **chapter.**

6           **(b) Sources of money for the fund consist of transportation fees**  
7 **deposited under section 3(b) of this chapter.**

8           **(c) The state emergency response commission shall administer**  
9 **the fund. Money in the fund is annually appropriated to the state**  
10 **emergency response commission to be used for the purposes**  
11 **described in subsection (a).**

12           **(d) The expenses of administering the fund shall be paid from**  
13 **money in the fund.**

14           **(e) The treasurer of state shall invest the money in the fund not**  
15 **currently needed to meet the obligations of the fund in the same**  
16 **manner as other public funds may be invested.**

17           **(f) Money in the fund at the end of a fiscal year does not revert**  
18 **to the state general fund.**

19           **Sec. 7. This chapter does not require the disclosure of defense**  
20 **information or restricted data (as defined in the federal Atomic**  
21 **Energy Act of 1954 (42 U.S.C. 2014)).**

