

SENATE BILL No. 299

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-8-3; IC 16-41-35-38; IC 16-41-35-39.

Synopsis: Transportation of high level radioactive waste. Requires a person who wishes to transport a shipment of high level radioactive waste in Indiana to: (1) submit a notice containing specified information to the director of the state emergency management agency at least four days before the shipment of high level radioactive waste leaves its point of origin; and (2) pay a fee of \$1,000 for each cask or other container of high level radioactive waste to be transported in Indiana in a motor vehicle and \$2,000 for each cask or other container of high level radioactive waste to be transported in Indiana on a railroad car. Specifies that before a shipment of high level radioactive waste arrives in Indiana, the person shipping the high level radioactive
(Continued next page)

Effective: July 1, 1998.

Rogers, Landske

January 7, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Digest Continued

waste and the director of the state emergency management agency must establish a location in Indiana at which the shipment may be inspected. Provides that when a shipment of high level radioactive waste arrives at an inspection point, the appropriate representatives from the state emergency management agency, state police, Indiana department of transportation, and department of environmental management must conduct certain inspections. Requires a shipment of high level radioactive waste traveling through Indiana to be escorted by the state police and other state or local government entities that are trained and equipped to manage any accident or other safety procedure involving the shipment of high level radioactive waste.

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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.

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SENATE BILL No. 299

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

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. High Level Radioactive Waste Inspection and Escort**
5 **Program**

6 **Sec. 1. As used in this chapter, "high level radioactive waste"**
7 **means:**

- 8 (1) **irradiated nuclear reactor fuel;**
9 (2) **highly radioactive material resulting from the**
10 **reprocessing of spent nuclear reactor fuel, including:**
11 (A) **liquid waste produced directly in reprocessing; and**
12 (B) **any solid material derived from the liquid waste; or**
13 (3) **any other material that the United States Nuclear**
14 **Regulatory Commission has determined to be high level**
15 **radioactive waste that requires permanent isolation.**



1 **Sec. 2. (a) Before a person may transport a shipment of high**
2 **level radioactive waste in Indiana, the person must do the**
3 **following:**

4 **(1) Submit a notice to the director at least four (4) days before**
5 **the shipment of high level radioactive waste leaves its point of**
6 **origin that includes the following information:**

7 **(A) The point of origin of the shipment.**

8 **(B) A description of the shipment.**

9 **(C) The date the shipment is scheduled to depart the point**
10 **of origin.**

11 **(D) The roadway or railway route the shipment will travel**
12 **in Indiana.**

13 **(E) The estimated date and time the shipment will arrive**
14 **at the Indiana border.**

15 **(F) Any other information concerning the person or**
16 **shipment as requested by the director.**

17 **(2) Pay to the agency a fee of:**

18 **(A) one thousand dollars (\$1,000) for each cask or other**
19 **container of high level radioactive waste to be transported**
20 **in Indiana in a motor vehicle; and**

21 **(B) two thousand dollars (\$2,000) for each cask or other**
22 **container of high level radioactive waste to be transported**
23 **in Indiana on a railroad car.**

24 **(b) Information submitted to the agency under this section is**
25 **considered confidential for purposes of IC 5-14-3.**

26 **(c) Fees collected under this section shall be deposited in the**
27 **state general fund.**

28 **Sec. 3. (a) After receiving a notice under section 2 of this**
29 **chapter, the director shall forward the information contained in**
30 **the notice to the following:**

31 **(1) The superintendent of state police.**

32 **(2) The commissioner of the Indiana department of**
33 **transportation.**

34 **(3) The commissioner of the department of environmental**
35 **management.**

36 **(b) After receiving information under subsection (a), the**
37 **superintendent of state police shall:**

38 **(1) notify the sheriff of each county through which the**
39 **shipment of high level radioactive waste will be transported;**
40 **and**

41 **(2) provide each sheriff with information that is similar to the**
42 **information that must be provided to a sheriff under**

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1 **IC 16-41-35-39.**

2 **Sec. 4. (a) Before a shipment of high level radioactive waste**
 3 **arrives in Indiana, the:**

- 4 **(1) person shipping the high level radioactive waste; and**
 5 **(2) director;**

6 **must establish a location in Indiana along the route of the shipment**
 7 **near the Indiana border at which the shipment may be inspected.**

8 **(b) When a shipment of high level radioactive waste arrives at**
 9 **an inspection point established under subsection (a), the**
 10 **appropriate representatives from the agency, state police, Indiana**
 11 **department of transportation, and department of environmental**
 12 **management shall do the following:**

13 **(1) Verify that all:**

14 **(A) manifests and other shipping forms; and**

15 **(B) documents concerning the driver of a motor vehicle or**
 16 **engineer of a train;**

17 **that must accompany the shipment of high level radioactive**
 18 **waste comply with all applicable federal and state laws.**

19 **(2) Inspect the motor vehicles or train used to carry the**
 20 **shipment of high level radioactive waste for violations of**
 21 **federal or state safety laws.**

22 **(3) Verify that all signs or placards that must be displayed on**
 23 **the shipment of high level radioactive waste or on a motor**
 24 **vehicle or train carrying the high level radioactive waste are:**

25 **(A) properly displayed; and**

26 **(B) contain accurate information;**

27 **as required under applicable federal or state laws.**

28 **(4) Measure radiation levels at various locations around a**
 29 **cask or other container that contains the high level**
 30 **radioactive waste.**

31 **(5) Inspect the surface of a cask or other container that**
 32 **contains the high level radioactive waste if the surface of the**
 33 **cask or container is accessible.**

34 **(c) If an inspection conducted under this section determines that**
 35 **a:**

36 **(1) shipment of high level radioactive waste; or**

37 **(2) motor vehicle or train used to carry the shipment;**

38 **violates any federal or state safety law, the shipment or the motor**
 39 **vehicle or train may not continue to travel through Indiana until**
 40 **the violation is corrected.**

41 **Sec. 5. (a) After:**

42 **(1) a shipment of high level radioactive waste has been**

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1 inspected under section 4 of this chapter; and

2 (2) it is determined that the:

3 (A) shipment; and

4 (B) motor vehicles or train used to carry the shipment;

5 do not violate any federal or state safety law;

6 the shipment of high level radioactive waste may continue to travel
7 through Indiana as provided in subsection (b).

8 (b) A shipment of high level radioactive waste that travels
9 through Indiana must be escorted as follows:

10 (1) If the shipment of high level radioactive waste is carried
11 by a motor vehicle:

12 (A) at least one (1) state police vehicle must lead all motor
13 vehicles used to transport the high level radioactive waste;
14 and

15 (B) motor vehicles carrying persons:

16 (i) from the agency, Indiana department of
17 transportation, department of environmental
18 management, and any other federal, state, or local
19 governmental entity; and

20 (ii) who are trained and equipped to manage any
21 accident or other safety procedure involving the
22 shipment of high level radioactive waste;

23 must follow all the motor vehicles used to transport the
24 high level radioactive waste;

25 until all motor vehicles carrying the high level radioactive
26 waste leave Indiana.

27 (2) If the shipment of high level radioactive waste is carried
28 by train:

29 (A) at least one (1) state police vehicle; and

30 (B) motor vehicles carrying persons:

31 (i) from the agency, Indiana department of
32 transportation, department of environmental
33 management, and any other federal, state, or local
34 governmental entity; and

35 (ii) who are trained and equipped to manage any
36 accident or other safety procedure involving the
37 shipment of high level radioactive waste;

38 must escort the train along a roadway that runs beside and
39 parallel to the railway route until the train carrying the high
40 level radioactive waste leaves Indiana.

41 Sec. 6. The:

42 (1) director;

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1 (2) **superintendent of state police;**
 2 (3) **Indiana department of transportation; and**
 3 (4) **air pollution control board, solid waste management**
 4 **board, and water pollution control board;**
 5 **may adopt rules under IC 4-22-2 and, if required, IC 13-14-8 to**
 6 **implement this chapter.**

7 **Sec. 7. A person who knowingly or intentionally violates section**
 8 **2, 4, or 5 of this chapter commits a Class D felony.**

9 SECTION 2. IC 16-41-35-38 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 38. The powers, duties,
 11 and functions of the state department under this chapter do not affect
 12 the powers, duties, and functions of:

13 (1) the state department or the water pollution control board under
 14 any other law; **or**

15 (2) **a state or local governmental entity operating under**
 16 **IC 10-8-3 or a rule adopted under IC 10-8-3.**

17 SECTION 3. IC 16-41-35-39 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 39. (a) **Except as**
 19 **provided in IC 10-8-3**, upon receiving advance notification under 10
 20 CFR 71.5a and 71.5b of the transport of any nuclear waste to, through,
 21 or across the boundary of Indiana:

22 (1) the governor; or

23 (2) the governor's designee for the transport of nuclear waste;
 24 shall provide to the sheriff of each county through which the nuclear
 25 waste is to be transported the notification required by subsection (b).

26 (b) The notification provided to each sheriff must include the
 27 following information from the notification given to the governor or the
 28 governor's designee if the information has been made available to the
 29 governor or the governor's designee:

30 (1) The name, address, and telephone number of the shipper,
 31 carrier, and receiver of the nuclear waste shipment.

32 (2) A description of the nuclear waste contained in the shipment.

33 (3) The point of origin of the shipment and the seven (7) day
 34 period during which departure of the shipment is estimated to
 35 occur.

36 (4) The seven (7) day period during which arrival of the shipment
 37 at state boundaries is estimated to occur.

38 (5) The destination of the shipment and the seven (7) day period
 39 during which arrival of the shipment is estimated to occur.

40 (6) A point of contact with a telephone number for current
 41 shipment information.

42 (7) Information regarding necessary safety steps to be taken if an

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1 accident occurs during shipment of the nuclear waste.
2 (c) The notification prescribed by subsection (b) must be given in
3 writing delivered by first class mail or by a faster means of delivery to
4 the sheriff of each county through which the shipment of nuclear waste
5 is to pass within twenty-four (24) hours after the governor or the
6 governor's designee receives advance notification of the shipment
7 under 10 CFR 71.5a and 71.5b.
8 (d) If the governor or the governor's designee is notified under 10
9 CFR 71.5a and 71.5b that the schedule for a shipment of nuclear waste
10 will not be met or that a shipment of nuclear waste has been canceled,
11 the governor or the governor's designee shall notify each sheriff
12 previously notified about the shipment as to the delay or cancellation.
13 The notification given by the governor or the governor's designee under
14 this subsection must be provided under the same requirements
15 prescribed in subsection (c) for the initial notification of sheriffs.

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