



April 6, 1999

**ENGROSSED
SENATE BILL No. 154**

DIGEST OF SB154 (Updated February 2, 1999 4:35 pm - DI 84)

Citations Affected: IC 10-8; noncode.

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 cask 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
(Continued next page)

Effective: July 1, 1999.

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Gard, Landske, Hume, Blade,
(HOUSE SPONSORS — KUZMAN, CHERRY)

January 6, 1999, read first time and referred to Committee on Environmental Affairs.
January 26, 1999, amended, reported favorably — Do Pass.
February 1, 1999, read second time, amended, ordered engrossed.
February 2, 1999, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Environmental Affairs.
April 5, 1999, amended, reported — Do Pass.

ES 154—LS 6628/DI 78+



Digest Continued

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 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 director of the department of natural resources; (5) the superintendent of the state police department; (6) representatives of the United States Nuclear Regulatory Commission, Federal Emergency Management Agency, United States Department of Energy, and United States Department of Transportation; and (7) a representative of a local emergency management agency 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 highway routes, dates, or times for transporting high level radioactive waste in Indiana under certain circumstances. Requires the director of the state emergency management agency to prepare before July 1, 2000, the initial plan for emergency response to a high level radioactive waste transportation accident in Indiana.

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April 6, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 154

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

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, 1999] :
- 4 **Chapter 3. Transportation of High Level Radioactive Waste**
- 5 **Sec. 1. (a) This chapter applies to high level radioactive waste**
6 **transported to or from facilities sited, constructed, or operated in**
7 **accordance with the federal Nuclear Waste Policy Act of 1982.**
- 8 **(b) This chapter does not apply to radioactive materials shipped**
9 **by or for the federal government for:**
- 10 (1) **military;**
11 (2) **national security; or**
12 (3) **national defense;**
- 13 **purposes.**
- 14 **Sec. 2. As used in this chapter, "high level radioactive waste"**
15 **means:**
- 16 (1) **irradiated reactor fuel;**

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1 (2) liquid wastes resulting from the operation of a first cycle
 2 solvent extraction system, or its equivalent, and the
 3 concentrated wastes from a subsequent extraction cycle, or its
 4 equivalent, in a facility for reprocessing irradiated reactor
 5 fuel; and

6 (3) solids into which liquid wastes described in subdivision (1)
 7 have been converted.

8 **Sec. 3. (a) Before a person may transport high level radioactive**
 9 **waste in Indiana, the person who is responsible for the shipment**
 10 **must submit the following to the director:**

11 (1) A notice that includes:

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

14 (B) other information required under 10 CFR 71.5(a) and
 15 10 CFR 73.37(f).

16 (2) A transportation fee of one thousand dollars (\$1,000) for
 17 each total shipment of nuclear waste.

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

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

21 (1) the state health commissioner of the state department of
 22 health;

23 (2) the commissioner of the Indiana department of
 24 transportation;

25 (3) the commissioner of the department of environmental
 26 management;

27 (4) the director of the department of natural resources;

28 (5) the superintendent of the state police department;

29 (6) representatives of the:

30 (A) United States Nuclear Regulatory Commission;

31 (B) Federal Emergency Management Agency;

32 (C) United States Department of Energy; and

33 (D) United States Department of Transportation; and

34 (7) a representative of a local emergency management agency
 35 designated by the director;

36 to prepare a plan for emergency response to a high level
 37 radioactive waste transportation accident in Indiana. The plan
 38 must include provisions for evacuation, containment, and cleanup
 39 and must designate the role of each state or local government
 40 agency involved in the emergency response plan.

41 (b) The director shall report to the general assembly each year
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- 1 (1) status of the plan prepared under subsection (a); and
 2 (2) ability of the state to respond adequately to a high level
 3 radioactive waste transportation accident in Indiana.

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

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

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

17 **(c) Before the director may require alternative routes under**
 18 **subsection (a) or select new state designated routes under**
 19 **subsection (b), the director must do the following:**

- 20 (1) Consult with all of the persons described in section 4(a) of
 21 this chapter.
 22 (2) Conduct or engage in substantial consultation with the
 23 affected local county authorities.
 24 (3) Notify the:
 25 (A) state health commissioner of the state department of
 26 health;
 27 (B) commissioner of the department of environmental
 28 management;
 29 (C) superintendent of the state police department; and
 30 (D) local emergency management agency and applicable
 31 local fire and law enforcement agencies in each affected
 32 county;

33 **of the director's final decision concerning an alternative route**
 34 **or a new state designated route before the date upon which**
 35 **the alternative route or new state designated route takes**
 36 **effect.**

- 37 (4) If the director wishes to change the route of a railway
 38 shipment of high level radioactive waste, the director must
 39 notify the United States Department of Energy and the
 40 appropriate rail carrier of any changes the director feels
 41 should be made to the route.

42 **(d) The state does not incur any liability by requiring alternate**

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1 routes to be used as provided under this section.

2 Sec. 6. (a) The nuclear response fund is established to provide
3 appropriate education, training, and equipment to local emergency
4 responders in counties that will be affected by the transportation
5 of high level radioactive waste under this 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 management agency shall administer
9 the fund. Money in the fund is annually appropriated to the state
10 emergency response commission to be used for purposes described
11 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)).

22 Sec. 8. The state emergency management agency may adopt
23 rules under IC 4-22-2 to implement this chapter.

24 SECTION 2. [EFFECTIVE JULY 1, 1999] (a) The director of the
25 state emergency management agency shall prepare the initial plan
26 for emergency response to a high level radioactive waste
27 transportation accident in Indiana required under IC 10-8-3-4, as
28 added by this act, before July 1, 2000.

29 (b) This SECTION expires July 2, 2000.

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SENATE MOTION

Mr. President: I move that Senator Landske be added as second author of Senate Bill 154.

GARD

SENATE MOTION

Mr. President: I move that Senator Hume be added as coauthor of Senate Bill 154.

GARD

SENATE MOTION

Mr. President: I move that Senator Blade be added as coauthor of Senate Bill 154.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 154, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 18, delete ":" and insert "**spent nuclear fuel shipping cask**".

Page 2, delete lines 19 through 20.

Page 2, run in lines 18 through 21.

Page 2, line 33, delete "and".

Page 2, line 38, after ";" insert "**and**".

Page 2, between lines 38 and 39, begin a new line block indented and insert:

"(7) a representative of a local emergency management agency designated by the director;".

and when so amended that said bill do pass.

(Reference is to SB 154 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 154 be amended to read as follows:

Page 2, line 10, after "person" insert "**who is responsible for the shipment**".

(Reference is to SB 154 as printed January 27, 1999.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 154, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "spent nuclear fuel shipping cask that will be used to" and insert "**total shipment of nuclear waste.**".

Page 2, delete line 19.

Page 3, line 7, delete ", dates, or times".

Page 3, line 11, delete ", dates, or times".

Page 3, line 12, delete ", dates, or times".

Page 3, line 25, delete "Conduct in conjunction with the local emergency" and insert "**Conduct or engage in substantial consultation with the affected local county authorities.**".

Page 3, delete lines 26 through 28.

Page 3, line 42, delete ", date, or time".

Page 4, line 4, delete ", date, or time".

Page 4, line 6, delete ", dates, or times".

and when so amended that said bill do pass.

(Reference is to SB 154 as reprinted February 2, 1999.)

STURTZ, Chair

Committee Vote: yeas 12, nays 1.

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