

SENATE BILL No. 154

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
(Continued next page)

Effective: July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Environmental Affairs.

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Digest Continued

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; and (6) representatives of the United States Nuclear Regulatory Commission, Federal Emergency Management Agency, United States Department of Energy, 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 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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Introduced

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.

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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:**



- 1 (1) irradiated reactor fuel;
 2 (2) liquid wastes resulting from the operation of a first cycle
 3 solvent extraction system, or its equivalent, and the
 4 concentrated wastes from a subsequent extraction cycle, or its
 5 equivalent, in a facility for reprocessing irradiated reactor
 6 fuel; and
 7 (3) solids into which liquid wastes described in subdivision (1)
 8 have been converted.

9 **Sec. 3. (a) Before a person may transport high level radioactive**
 10 **waste in Indiana, the person must submit the following to the**
 11 **director:**

- 12 (1) A notice that includes:
 13 (A) the highway or railway route, date, and time of the
 14 shipment of high level radioactive waste; and
 15 (B) other information required under 10 CFR 71.5(a) and
 16 10 CFR 73.37(f).

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

- 19 (A) vehicle; and
 20 (B) railroad car;

21 that will be used to transport high level radioactive waste in
 22 Indiana.

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

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

- 26 (1) the state health commissioner of the state department of
 27 health;
 28 (2) the commissioner of the Indiana department of
 29 transportation;
 30 (3) the commissioner of the department of environmental
 31 management;
 32 (4) the director of the department of natural resources;
 33 (5) the superintendent of the state police department; and
 34 (6) representatives of the:
 35 (A) United States Nuclear Regulatory Commission;
 36 (B) Federal Emergency Management Agency;
 37 (C) United States Department of Energy; and
 38 (D) United States Department of Transportation;

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



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1 agency involved in the emergency response plan.

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

4 (1) status of the plan prepared under subsection (a); and

5 (2) ability of the state to respond adequately to a high level
6 radioactive waste transportation accident in Indiana.

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

14 (b) The director shall:

15 (1) annually review federally approved highway and railway
16 routes for transporting high level radioactive waste in
17 Indiana; and

18 (2) select new state designated routes in accordance with
19 49 CFR Part 177 if safety considerations indicate the alternate
20 routes would be preferable.

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

24 (1) Consult with all of the persons described in section 4(a) of
25 this chapter.

26 (2) Conduct in conjunction with the local emergency
27 management agency in the county at least one (1) public
28 hearing in each county affected by the proposed alternative
29 route or new state designated route.

30 (3) Notify the:

31 (A) state health commissioner of the state department of
32 health;

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

35 (C) superintendent of the state police department; and

36 (D) local emergency management agency and applicable
37 local fire and law enforcement agencies in each affected
38 county;

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

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1 **(4) If the director wishes to change the route, date, or time of**
 2 **a railway shipment of high level radioactive waste, the**
 3 **director must notify the United States Department of Energy**
 4 **and the appropriate rail carrier of any changes the director**
 5 **feels should be made to the route, date, or time.**

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

8 **Sec. 6. (a) The nuclear response fund is established to provide**
 9 **appropriate education, training, and equipment to local emergency**
 10 **responders in counties that will be affected by the transportation**
 11 **of high level radioactive waste under this chapter.**

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

14 **(c) The state emergency management agency shall administer**
 15 **the fund. Money in the fund is annually appropriated to the state**
 16 **emergency response commission to be used for purposes described**
 17 **in subsection (a).**

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

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

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

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

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

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

35 **(b) This SECTION expires July 2, 2000.**

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