



January 27, 1999

## SENATE BILL No. 154

DIGEST OF SB 154 (Updated January 26, 1999 2:54 pm - DI 78)

**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 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  
(Continued next page)

**Effective:** July 1, 1999.

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**Gard, Landske, Hume, Blade**

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January 6, 1999, read first time and referred to Committee on Environmental Affairs.  
January 26, 1999, amended, reported favorably — Do Pass.

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SB 154—LS 6628/DI 78+



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Digest Continued

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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January 27, 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.

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## SENATE BILL No. 154

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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:**

SB 154—LS 6628/DI 78+



- 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 spent nuclear fuel shipping cask that will be used to  
 19 transport high level radioactive waste in Indiana.

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

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

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

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



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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 highway routes, dates, or times for transporting high**  
 8 **level 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**  
 18 **49 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 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 the state police department; and**  
 35           **(D) local emergency management agency and applicable**  
 36 **local fire and law enforcement agencies in each affected**  
 37 **county;**

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

42           **(4) If the director wishes to change the route, date, or time of**



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

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

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

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

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

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

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

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

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

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

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

34 (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.

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SENATE MOTION

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

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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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