

## **IC 10-14-8**

### Chapter 8. Transportation of High Level Radioactive Waste

#### **IC 10-14-8-1**

##### **Application of chapter**

Sec. 1. (a) This chapter applies to the following:

- (1) High level radioactive waste transported to a site authorized by a government agency to receive, store, reprocess, or dispose of high level radioactive waste or spent nuclear fuel.
- (2) Low level radioactive waste that is:
  - (A) transported to a site authorized by a government agency to receive low level radioactive waste; or
  - (B) shipped to a storage or treatment site before disposal.

(b) This chapter does not apply to:

- (1) radioactive waste shipped by the United States Department of Defense; or
- (2) the transport of low level radioactive waste between premises owned by or operated under the license of a licensee by a motor vehicle owned by or under contract to the licensee and a facility owned by or operated under the license of a licensee in Indiana.

*As added by P.L.2-2003, SEC.5. Amended by P.L.26-2010, SEC.2.*

#### **IC 10-14-8-2**

##### **"High level radioactive waste"**

Sec. 2. As used in this chapter, "high level radioactive waste" means:

- (1) irradiated reactor fuel;
- (2) liquid wastes resulting from the operation of a first cycle solvent extraction system or its equivalent and the concentrated wastes from a subsequent extraction cycle or its equivalent in a facility for reprocessing irradiated reactor fuel;
- (3) solids into which liquid wastes described in subdivision (2) have been converted; and
- (4) materials produced as a byproduct of the reactions that occur inside a nuclear reactor in either of the following forms:
  - (A) Spent nuclear fuel that is accepted for disposal.
  - (B) Waste materials remaining after spent nuclear fuel is reprocessed.

*As added by P.L.2-2003, SEC.5. Amended by P.L.26-2010, SEC.3.*

#### **IC 10-14-8-2.3**

##### **"Licensee"**

Sec. 2.3. As used in this chapter, "licensee" refers to an entity that is licensed by the United States Nuclear Regulatory Commission to own or use radioactive materials.

*As added by P.L.26-2010, SEC.4.*

#### **IC 10-14-8-2.5**

##### **"Low level radioactive waste"**

Sec. 2.5. As used in this chapter, "low level radioactive waste" means radioactive material from a facility licensed by the United States Nuclear Regulatory Commission under 10 CFR 50 other than the following:

- (1) High level radioactive waste.
- (2) Spent nuclear fuel.
- (3) Transuranic waste.
- (4) Byproduct material (as defined in 42 U.S.C. 2014(e)).

*As added by P.L.26-2010, SEC.5.*

#### **IC 10-14-8-2.7**

##### **"Spent nuclear fuel"**

Sec. 2.7. As used in this chapter, "spent nuclear fuel" means fuel:

- (1) that has been withdrawn from a nuclear reactor following irradiation; and
- (2) whose constituent elements have not been separated by reprocessing.

*As added by P.L.26-2010, SEC.6.*

#### **IC 10-14-8-2.9**

##### **Permit for shipper of high or low level radioactive waste**

Sec. 2.9. (a) A shipper of high or low level radioactive waste in Indiana must submit an application to the department of homeland security in the form and manner prescribed by the department of homeland security.

(b) The department of homeland security may issue a permit to a person that:

- (1) submits a completed application; and
- (2) pays a fee set by the department of homeland security.

(c) The permit must:

- (1) specify the purpose for which the permit is issued; and
- (2) contain an expiration date.

*As added by P.L.26-2010, SEC.7.*

#### **IC 10-14-8-3**

##### **Notice to director before transport of high level radioactive waste; fee for transport**

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

- (1) An appropriate permit issued under section 2.9 of this chapter.
- (2) The following fees:
  - (A) For each truck shipment, two thousand five hundred dollars (\$2,500) per truck.
  - (B) For each rail shipment:
    - (i) four thousand five hundred dollars (\$4,500) for the first cask; and
    - (ii) three thousand dollars (\$3,000) for the second and additional casks.

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

(c) As used in this section, "cask" means a heavily shielded container:

- (1) used for the shipment of radioactive materials, including high level radioactive waste and spent nuclear fuel; and
- (2) whose design is approved by the United States Nuclear Regulatory Commission.

*As added by P.L.2-2003, SEC.5. Amended by P.L.148-2003, SEC.2; P.L.26-2010, SEC.8.*

#### **IC 10-14-8-3.1**

##### **Permit and fee for transport of low level radioactive waste**

Sec. 3.1. (a) Before a person may transport low level radioactive waste in Indiana, the shipper must submit:

- (1) an appropriate permit issued under section 2.9 of this chapter; and
- (2) a transportation fee of one hundred dollars (\$100) for each shipment of low level radioactive waste;

to the director.

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

*As added by P.L.148-2003, SEC.3. Amended by P.L.26-2010, SEC.9.*

#### **IC 10-14-8-4**

##### **Duties of director**

Sec. 4. (a) The director shall 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:
  - (A) United States Nuclear Regulatory Commission;
  - (B) Federal Emergency Management Agency;
  - (C) United States Department of Energy; and
  - (D) United States Department of Transportation; and
- (7) a representative of a local emergency management agency designated by the director;

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

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

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

- (2) ability of the state to respond adequately to a radioactive waste transportation accident in Indiana.

A report under this subsection to the general assembly must be in an electronic format under IC 5-14-6.

*As added by P.L.2-2003, SEC.5. Amended by P.L.28-2004, SEC.80; P.L.26-2010, SEC.10.*

#### **IC 10-14-8-5**

##### **Designated routes; required alternative routes**

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

(b) The director shall:

- (1) annually review federally approved highway and railway routes for transporting high level radioactive waste in Indiana; and
- (2) select new state designated routes in accordance with 49 CFR Part 172.80 if safety considerations indicate the alternate routes would be preferable.

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

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

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

(d) The state is not liable by requiring alternate routes to be used as provided under this section.

*As added by P.L.2-2003, SEC.5. Amended by P.L.26-2010, SEC.11.*

#### **IC 10-14-8-6**

##### **Nuclear response trust fund; purpose; sources of revenue; administration; investment**

Sec. 6. (a) The nuclear response fund is established to:

(1) provide appropriate education, training, and equipment to state and local emergency responders:

(A) that respond to a release of radioactive waste caused by or during the transportation of radioactive waste under this chapter; and

(B) to prevent, prepare for, and respond to acts of terrorism; and

(2) otherwise enforce this chapter.

(b) Sources of money for the fund consist of transportation fees deposited under section 3(b) or 3.1(b) of this chapter.

(c) The department of homeland security shall administer the fund. Money in the fund is annually appropriated to the department of homeland security to be used for purposes described in subsection (a).

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

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

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

*As added by P.L.2-2003, SEC.5. Amended by P.L.148-2003, SEC.4; P.L.1-2006, SEC.177; P.L.26-2010, SEC.12.*

#### **IC 10-14-8-7**

##### **Defense information and restricted data**

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

*As added by P.L.2-2003, SEC.5.*

#### **IC 10-14-8-8**

##### **Rules**

Sec. 8. The director may adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.9.*

#### **IC 10-14-8-9**

##### **Reimbursement of government security expenses by shipper of radioactive waste**

Sec. 9. A shipper of:

(1) low level radioactive waste; or

(2) high level radioactive waste;

in Indiana shall reimburse each governmental entity that provides security for a shipment for reasonable and necessary expenses incurred by the governmental entity in providing the security.

*As added by P.L.148-2003, SEC.5. Amended by P.L.26-2010, SEC.13.*

#### **IC 10-14-8-10**

**Seizure of certain motor vehicles and cargo by state police department; correction of violations**

Sec. 10. (a) The state police department may detain, seize, or impound a motor vehicle and its cargo if the state police department determines that the motor vehicle is involved in a violation of this chapter. The state police department shall observe established state police department guidelines in seizing or impounding the motor vehicle and cargo.

(b) To obtain possession of a seized or impounded motor vehicle or its cargo, the motor carrier that operates the motor vehicle must correct any violations of this chapter, including without limitation the failure to obtain a permit required under this chapter that resulted in the detention, seizure, or impounding of the motor vehicle or cargo.  
*As added by P.L.26-2010, SEC.14.*

**IC 10-14-8-11**

**Inspections of motor vehicles and cargo**

Sec. 11. (a) The following may conduct inspections of motor vehicles and cargo to determine violations of and enforce this chapter:

- (1) The state police department.
- (2) Agents of the state police department.
- (3) Motor carrier inspectors of the state police department.
- (4) Other eligible law enforcement officers.

(b) With respect to any rail shipment, the following may request from a shipper or carrier a copy of the appropriate permit issued under section 2.9 of this chapter to the shipper:

- (1) The state police department.
- (2) Agents of the state police department.
- (3) Motor carrier inspectors of the state police department.
- (4) Rail safety inspectors.
- (5) Other eligible law enforcement officers.

*As added by P.L.26-2010, SEC.15.*

**IC 10-14-8-12**

**Violation; Class B infraction**

Sec. 12. A person who violates this chapter commits a Class B infraction.

*As added by P.L.26-2010, SEC.16.*