

LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT

LS 7113
BILL NUMBER: SB 258

NOTE PREPARED: Jan 5, 2026
BILL AMENDED:

SUBJECT: Nuclear Facility Permits.

FIRST AUTHOR: Sen. Koch
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill makes the following changes to the Indiana Code chapter concerning the issuance of permits for nuclear powered generating facilities and nuclear fuel reprocessing plants (facilities) by the Department of Environmental Management (IDEM):

- (1) Repeals a provision that prohibits a person from constructing or operating, or increasing the capacity of, a facility without a permit from IDEM.
- (2) Repeals a provision authorizing the Environmental Rules Board (ERB) to adopt rules establishing: (A) conditions for the issuance of a permit for; and (B) requirements for the operation of; a facility.
- (3) Requires a person proposing to construct a facility to file with IDEM (instead of the ERB, under current law) an environmental feasibility report concurrently with the filing of documents (instead of the preliminary safety analysis, under current law) required to be filed with the United States Nuclear Regulatory Commission (instead of the United States Atomic Energy Commission, under current law).
- (4) Repeals a provision authorizing the IDEM Commissioner to conduct a public hearing on the environmental effects of the proposed operation of a facility.
- (5) Repeals a provision: (A) requiring the ERB to adopt rules and standards to protect Indiana citizens from radiation hazards; and (B) setting forth requirements for required permits with respect to radioactive discharge.

Effective Date: Upon passage.

Explanation of State Expenditures: The bill may result in a minor workload increase for IDEM, and minor workload decrease for the ERB, as it requires a person proposing to construct a nuclear powered generating facility or a nuclear fuel reprocessing plant to file an environmental feasibility report with IDEM rather than with the ERB.

Additional Information: IDEM has not issued any permits nor adopted any rules under IC 13-15-9 as there are no nuclear powered generating facilities or nuclear fuel reprocessing plants located in Indiana. If any such

facilities were to be built in Indiana, under current law, the U.S. Nuclear Regulatory Commission would have authority to issue such permits based on the findings in *Pacific Gas & Electric Company v. State Energy Resources Conservation and Development Commission* (1983).

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources: Alexander Goodnight, IDEM; www.nrc.gov/info-finder/region-state/indiana; supreme.justia.com/cases/federal/us/461/190.

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