

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 0470, Pages 2 through 6, Section 260.392 by deleting said section and inserting in lieu thereof the following:

"260.392. 1. As used in sections 260.392 to 260.399, the following terms mean:

(1) "Cask", all the components and systems associated with the container in which spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive waste are stored;

(2) "High-level radioactive waste", the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations, and other highly radioactive material that the United States Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

(3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended, a quantity of radioactive material within a single package. Highway route controlled quantity shipments of thirty miles or less within the state are exempt from the provisions of this section;

(4) "Low-level radioactive waste", any radioactive waste not classified as high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive material given written approval for landfill disposal by the Missouri department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from the provisions of this section;

(5) "Shipper", the generator, owner, or company contracting for transportation by truck or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments, transuranic radioactive waste, or low-level radioactive waste;

(6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following

1 irradiation, the constituent elements of which have not been separated by reprocessing;

2 (7) "State-funded institutions of higher education", any campus of any university within
3 the state of Missouri that receives state funding and has a nuclear research reactor;

4 (8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as waste
5 containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with
6 half-lives greater than twenty years, per gram of waste. For the purposes of this section,
7 transuranic waste shall not include:

8 (a) High-level radioactive wastes;

9 (b) Any waste determined by the Environmental Protection Agency with the concurrence
10 of the Environmental Protection Agency administrator that does not need the degree of isolation
11 required by this section; or

12 (c) Any waste that the United States Nuclear Regulatory Commission has approved for
13 disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

14 2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste,
15 highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste
16 through or within the state shall be subject to the fees established in this subsection, provided that
17 no state-funded institution of higher education that ships nuclear waste shall pay any such fee.
18 These higher education institutions shall reimburse the Missouri state highway patrol directly for
19 all costs related to shipment escorts. The fees for all other shipments shall be:

20 (1) One thousand eight hundred dollars for each [cask transported] truck transporting
21 through or within the state [by truck of] high-level radioactive waste, transuranic radioactive
22 waste, spent nuclear fuel or highway route controlled quantity shipments. All [casks] truck
23 shipments of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or
24 highway route controlled quantity shipments [transported by truck] are subject to a surcharge of
25 twenty-five dollars per mile for every mile over two hundred miles traveled within the state;

26 (2) One thousand three hundred dollars for the first cask and one hundred twenty-five
27 dollars for each additional cask for each rail shipment through or within the state of high-level
28 radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

29 (3) One hundred twenty-five dollars for each truck or train transporting low-level
30 radioactive waste through or within the state. The department of natural resources may accept an
31 annual shipment fee as negotiated with a shipper or accept payment per shipment.

32 3. All revenue generated from the fees established in subsection 2 of this section shall be
33 deposited into the environmental radiation monitoring fund established in section 260.750 and
34 shall be used by the department of natural resources to achieve the following objectives and for
35 purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste,
36 highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste,

1 including, but not limited to:

2 (1) Inspections, escorts, and security for waste shipment and planning;
3 (2) Coordination of emergency response capability;
4 (3) Education and training of state, county, and local emergency responders;
5 (4) Purchase and maintenance of necessary equipment and supplies for state, county, and
6 local emergency responders through grants or other funding mechanisms;

7 (5) Emergency responses to any transportation incident involving the high-level
8 radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments,
9 spent nuclear fuel, or low-level radioactive waste;

10 (6) Oversight of any environmental remediation necessary resulting from an incident
11 involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route
12 controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement
13 for oversight of any such incident shall not reduce or eliminate the liability of any party
14 responsible for the incident; such party may be liable for full reimbursement to the state or
15 payment of any other costs associated with the cleanup of contamination related to a
16 transportation incident;

17 (7) Administrative costs attributable to the state agencies which are incurred through their
18 involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive
19 waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive
20 waste through or within the state.

21 4. Nothing in this section shall
22 preclude any other state agency from receiving reimbursement from the department of natural
23 resources and the environmental radiation monitoring fund for services rendered that achieve the
24 objectives and comply with the provisions of this section.

25 5. Any unencumbered balance in the environmental radiation monitoring fund that
26 exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on a
27 pro rata basis, based on the shipper's contribution into the environmental radiation monitoring
28 fund for that fiscal year.

29 6. The department of natural resources, in coordination with the department of health and
30 senior services and the department of public safety, may promulgate rules necessary to carry out
31 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
32 536.010, that is created under the authority delegated in this section shall become effective only if
33 it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
34 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
35 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
36 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
any rule proposed or adopted after August 28, 2009, shall be invalid and void.

1 7. All funds deposited in the environmental radiation monitoring fund through fees
2 established in subsection 2 of this section shall be utilized, subject to appropriation by the general
3 assembly, for the administration and enforcement of this section by the department of natural
4 resources. All interest earned by the moneys in the fund shall accrue to the fund.

5 8. All fees shall be paid to the department of natural resources prior to shipment.

6 9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste,
7 highway route controlled quantity shipments, or spent nuclear fuel through or within the state
8 shall be provided by the shipper to the governor's designee for advanced notification, as described
9 in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state. Notice of any
10 shipment of low-level radioactive waste through or within the state shall be provided by the
11 shipper to the Missouri department of natural resources before such shipment enters the state.

12 10. Any shipper who fails to pay a fee assessed under this section, or fails to provide
13 notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the
14 amount assessed and not paid. The action shall be brought by the attorney general at the request
15 of the department of natural resources. If the action involves a facility domiciled in the state, the
16 action shall be brought in the circuit court of the county in which the facility is located. If the
17 action does not involve a facility domiciled in the state, the action shall be brought in the circuit
18 court of Cole County.

19 11. Beginning on December 31, 2009, and every two years thereafter, the department of
20 natural resources shall prepare and submit a report on activities of the environmental radiation
21 monitoring fund to the general assembly. This report shall include information on fee income
22 received and expenditures made by the state to enforce and administer the provisions of this
23 section.

24 12. The provisions of this section shall not apply to high-level radioactive waste,
25 transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or
26 low-level radioactive waste shipped by or for the federal government for military or national
27 defense purposes.

28 13. Under section 23.253 of the Missouri sunset act:

29 (1) The provisions of the new program authorized under this section shall automatically
30 sunset six years after August 28, 2009, unless reauthorized by an act of the general assembly; and

31 (2) If such program is reauthorized, the program authorized under this section shall
32 automatically sunset twelve years after the effective date of the reauthorization of this section; and

33 (3) This section shall terminate on September first of the calendar year immediately
34 following the calendar year in which the program authorized under this section is sunset."; and

35 Further amend said title, enacting clause and intersectional references accordingly.