

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 109, Page 3, Section 256.710, Line 51, by
2 inserting after all of said section and line the following:

3
4 "260.392. 1. As used in sections 260.392 to 260.399, the following terms mean:

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

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

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

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

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

28 (6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following
29 irradiation, the constituent elements of which have not been separated by reprocessing;

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

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

36 (a) High-level radioactive wastes;

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

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

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

12 (1) One thousand eight hundred dollars for each truck transporting through or within the
 13 state high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route
 14 controlled quantity shipments. All truck shipments of high-level radioactive waste, transuranic
 15 radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments are subject to
 16 a surcharge of twenty-five dollars per mile for every mile over two hundred miles traveled within
 17 the state;

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

21 (3) One hundred twenty-five dollars for each truck or train transporting low-level
 22 radioactive waste through or within the state.

23
 24 The department of natural resources may accept an annual shipment fee as negotiated with a shipper
 25 or accept payment per shipment.

26 3. All revenue generated from the fees established in subsection 2 of this section shall be
 27 deposited into the environmental radiation monitoring fund established in section 260.750 and shall
 28 be used by the department of natural resources to achieve the following objectives and for purposes
 29 related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route
 30 controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not
 31 limited to:

32 (1) Inspections, escorts, and security for waste shipment and planning;

33 (2) Coordination of emergency response capability;

34 (3) Education and training of state, county, and local emergency responders;

35 (4) Purchase and maintenance of necessary equipment and supplies for state, county, and
 36 local emergency responders through grants or other funding mechanisms;

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

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

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

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

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

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

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

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

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

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

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

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

43 13. The program authorized under this section shall automatically sunset on August 28,
44 [2024] 2030."; and

45
46 Further amend said bill by amending the title, enacting clause, and intersectional references
47 accordingly.