

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 976
93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GIBBONS.

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TERRY L. SPIELER, Secretary.

4204S.09P

AN ACT

To repeal section 260.750, RSMo, and to enact in lieu thereof two new sections relating to the transportation of radioactive waste, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 260.750, RSMo, is repealed and two new sections, to be known as sections 260.392 and 260.750, to read as follows:

260.392. 1. As used in this section, 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, transuranic radioactive waste, or low specific activity material are stored;

(2) "Entity", the generator, owner or company responsible for shipment of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments, transuranic radioactive waste, or low specific activity material;

(3) "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 Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

17 (4) "Highway route controlled quantity", as defined in 49 CFR
18 Part 173.403, as amended, a quantity of radioactive material within a
19 single package;

20 (5) "Low-level radioactive waste", any radioactive waste not
21 classified as high-level radioactive waste, transuranic radioactive
22 waste, or spent nuclear fuel, and classified as low-level radioactive
23 waste by the U.S. Nuclear Regulatory Commission, consistent with
24 existing law. Any low-level radioactive waste that has a radioactive
25 half-life equal to or less than sixty days is exempt from the provisions
26 of this section;

27 (6) "Spent nuclear fuel", fuel that has been withdrawn from a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

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

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

38 (a) High-level radioactive wastes;

39 (b) Any waste determined by the Environmental Protection
40 Agency with the concurrence of the Environmental Protection Agency
41 administrator, that does not need the degree of isolation required by
42 this section; or

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

46 2. Any entity that ships high-level radioactive waste, transuranic
47 radioactive waste, highway route controlled quantity shipments, spent
48 nuclear fuel, or low-level radioactive waste through or within the state
49 shall be subject to the fees established in this subsection, provided that
50 no state-funded institution of higher education that ships nuclear waste
51 shall pay any such fee. These higher education institutions shall
52 reimburse the Missouri state highway patrol directly for all costs
53 related to transport escorts. The fees for all other shipments shall be:

54 **(1) One thousand eight hundred dollars for each cask**
55 **transported through or within the state by truck of high-level**
56 **radioactive waste, transuranic radioactive waste, spent nuclear fuel or**
57 **highway route controlled quantity shipments. All casks of high-level**
58 **radioactive waste, transuranic radioactive waste, spent nuclear fuel or**
59 **highway route controlled quantity shipments transported by truck are**
60 **subject to a surcharge of twenty-five dollars per mile for every mile**
61 **over two hundred miles traveled within the state;**

62 **(2) One thousand three hundred dollars for the first cask and one**
63 **hundred twenty-five dollars for each additional cask for each rail**
64 **transport through or within the state of high-level radioactive waste,**
65 **transuranic radioactive waste or spent nuclear fuel;**

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

71 **3. All revenue generated from the fees established in subsection**
72 **2 of this section shall be deposited into the environmental radiation**
73 **monitoring fund established in section 260.750 and shall be used by the**
74 **department of natural resources to achieve the following objectives and**
75 **for purposes related to the transport or shipment of high-level**
76 **radioactive waste, transuranic radioactive waste, highway route**
77 **controlled quantity shipments, spent nuclear fuel, or low-level**
78 **radioactive waste, including, but not limited to:**

79 **(1) Inspections, escorts, and security for waste shipment and**
80 **planning;**

81 **(2) Coordination of emergency response capability;**

82 **(3) Education and training of state, county, and local emergency**
83 **responders;**

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

87 **(5) Emergency responses to any transportation incident**
88 **involving the high-level radioactive waste, transuranic radioactive**
89 **waste, highway route controlled quantity shipments, spent nuclear fuel,**
90 **or low-level radioactive waste;**

91 **(6) Oversight of any environmental remediation necessary**
92 **resulting from an incident involving a transport of high-level**
93 **radioactive waste, transuranic radioactive waste, highway route**
94 **controlled quantity shipments, spent nuclear fuel, or low-level**
95 **radioactive waste. Reimbursement for oversight of any such incident**
96 **shall not reduce or eliminate the liability of any party responsible for**
97 **the incident; such party may be liable for full reimbursement to the**
98 **state or payment of any other costs associated with the cleanup of**
99 **contamination related to a transportation incident;**

100 **(7) Administrative costs attributable to the state agencies which**
101 **are incurred through their involvement as it relates to the transport or**
102 **shipping of high-level radioactive waste, transuranic radioactive waste,**
103 **highway route controlled quantity shipments, spent nuclear fuel, or**
104 **low-level radioactive waste through or within the state.**

105 **4. Nothing in this section shall preclude any other state agency**
106 **from receiving reimbursement from the department of natural**
107 **resources and the environmental radiation monitoring fund for services**
108 **rendered that achieve the objectives and comply with the provisions of**
109 **this section.**

110 **5. The department of natural resources in coordination with the**
111 **department of health and senior services, and the department of public**
112 **safety, may promulgate rules necessary to carry out the provisions of**
113 **this section.**

114 **6. Any rule or portion of a rule, as that term is defined in section**
115 **536.010, RSMo, that is created under the authority delegated in this**
116 **section shall become effective only if it complies with and is subject to**
117 **all of the provisions of chapter 536, RSMo, and, if applicable, section**
118 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
119 **and if any of the powers vested with the general assembly pursuant to**
120 **chapter 536, RSMo, to review, to delay the effective date, or to**
121 **disapprove and annul a rule are subsequently held unconstitutional,**
122 **then the grant of rulemaking authority and any rule proposed or**
123 **adopted after August 28, 2006, shall be invalid and void.**

124 **7. All funds deposited in the environmental radiation monitoring**
125 **fund through fees established in subsection 2 of this section shall be**
126 **utilized, subject to appropriation by the general assembly, for the**
127 **administration and enforcement of this section by the department of**

128 natural resources. All interest earned by the monies in the fund shall
129 accrue to the fund.

130 8. All fees shall be received by the department of natural
131 resources prior to transport.

132 9. Notice of any transport of high-level radioactive waste,
133 transuranic radioactive waste, highway route controlled quantity
134 shipments, spent nuclear fuel, or low-level radioactive waste through
135 or within the state shall be provided by the shipper to the governor's
136 designee for advanced notification, as described in 10 CFR Parts 71 and
137 73, as amended, prior to such transport entering the state.

138 10. Any shipper who fails to pay a fee assessed under this
139 section, or fails to provide notice of a transport, shall be liable in a
140 civil action for an amount not to exceed ten times the amount assessed
141 and not paid. The action shall be brought by the attorney general at
142 the request of the department of natural resources. If the action
143 involves a facility domiciled in the state, the action shall be brought in
144 the circuit court of the county in which the facility is located. If the
145 action does not involve a facility domiciled in the state, the action shall
146 be brought in the circuit court of Cole county.

147 11. Beginning on December 31, 2007, and every two years
148 thereafter, the department of natural resources shall prepare and
149 submit a report on activities of the environmental radiation monitoring
150 fund to the general assembly. This report shall include information on
151 fee income received and expenditures made by the state to enforce and
152 administer the provisions of this section.

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

260.750. 1. The department of natural resources shall develop an
2 environmental radiation monitoring program for the purpose of monitoring
3 radioactivity in air, water, soil, plant and animal life as necessary to insure the
4 protection of the public health and safety of the environment from radiation
5 hazards.

6 2. There is hereby created within the state treasury an "Environmental
7 Radiation Monitoring Fund". In addition to general revenue, the department of

8 natural resources is authorized to accept and shall deposit in said fund all gifts,
9 bequests, donations, or other moneys, equipment, supplies, or services from any
10 state, interstate or federal agency, or from any institution, person, firm, or
11 corporation, public or private **as well as fees collected under subsection 2**
12 **of section 260.392.** This fund shall be used for the environmental radiation
13 monitoring program established in this section **and to administer and enforce**
14 **the provisions of section 260.392.**

Section B. Because immediate action is necessary to enable both the
2 promulgation of rules pertaining to the implementation of this act and to preserve
3 the state's environment, section A of this act is deemed necessary for the
4 immediate preservation of the public health, welfare, peace and safety, and is
5 hereby declared to be an emergency act within the meaning of the constitution,
6 and section A of this act shall be in full force and effect upon its passage and
7 approval.

✓

Bill

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