

HOUSE BILL No. 2630

By Committee on Transportation

2-8

1 AN ACT concerning transportation; relating to the transportation of
2 radioactive materials; establishing fees for the transportation of certain
3 radioactive materials through and within the state; establishing the
4 radioactive materials transportation operating fund.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) As used in this section:

8 (1) "Cask" means all the components and systems associated with the
9 container where spent nuclear fuel, high-level radioactive waste, highway
10 route controlled quantity or transuranic waste are stored;

11 (2) "high-level radioactive waste" means the same as defined in
12 K.S.A. 48-1603, and amendments thereto;

13 (3) "highway route controlled quantity" means a quantity of
14 radioactive material within a single package as defined in 49 C.F.R.
15 173.403, as in effect on July 1, 2022;

16 (4) "low-level radioactive waste" means the same as defined in
17 K.S.A. 48-1603, and amendments thereto;

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

22 (6) "spent nuclear fuel" means the same as defined in K.S.A. 48-
23 1603, and amendments thereto;

24 (7) "state-funded institution of higher education" means any state
25 educational institution as defined in K.S.A. 76-711, and amendments
26 thereto, and any community college, technical college or municipal
27 university established under the laws of this state that has a nuclear
28 research reactor;

29 (8) "transuranic waste" means the same as defined in K.S.A. 48-1603,
30 and amendments thereto, except that for the purposes of this section,
31 "transuranic waste" does not include:

32 (A) High-level radioactive waste;

33 (B) any waste determined by the administrator of the United States
34 environmental protection agency to not need the degree of isolation
35 required by this section; or

36 (C) any waste that the United States nuclear regulatory commission

1 has approved for disposal on a case-by-case basis in accordance with 10
2 C.F.R. part 61, as in effect on July 1, 2022.

3 (b) Any shipper that ships high-level radioactive waste, transuranic
4 waste, highway route controlled quantity shipments, spent nuclear fuel or
5 low-level radioactive waste through or within the state shall be subject to
6 the fee established in this subsection. All fees shall be paid to the Kansas
7 department of health and environment before the shipment of the
8 radioactive materials begins. The fees imposed by this subsection shall be
9 as follows:

10 (1) \$1,800 for each truck transporting through or within the state
11 high-level radioactive waste, transuranic waste, spent nuclear fuel or
12 highway route controlled quantity shipments. All truck shipments of high-
13 level radioactive waste, transuranic waste, spent nuclear fuel or highway
14 route controlled quantity shipments are subject to a surcharge of \$25 per
15 mile for every mile in excess of 200 miles traveled within the state;

16 (2) \$1,300 for the first cask and \$125 for each additional cask for
17 each rail shipment through or within the state of high-level radioactive
18 waste, transuranic waste or spent nuclear fuel; and

19 (3) \$125 for each truck or railroad train transporting low-level
20 radioactive waste and \$50 for each additional railroad train car in excess of
21 one car.

22 (c) (1) There is hereby created in the state treasury the radioactive
23 materials transportation operating fund to be administered by the secretary
24 of the Kansas department of health and environment. The secretary shall
25 remit all fees collected pursuant to this section to the state treasurer in
26 accordance with the provisions of K.S.A. 75-4215, and amendments
27 thereto. Upon receipt of each such remittance, the state treasurer shall
28 deposit the entire amount in the state treasury to the credit of the
29 radioactive materials transportation operating fund. All expenditures from
30 the fund shall be made in accordance with appropriation acts and upon
31 warrants of the director of accounts and reports issued pursuant to
32 vouchers approved by the secretary for the purposes set forth in this
33 subsection.

34 (2) All expenditures from the fund shall be used for the following
35 purposes:

36 (A) Inspections, escorts and security for waste shipment and
37 planning;

38 (B) coordination of emergency response capability;

39 (C) education and training of state, county and local emergency
40 responders;

41 (D) purchase and maintenance of necessary equipment and supplies
42 for state, county and local emergency responders through grants or other
43 funding mechanisms;

1 (E) emergency responses to any transportation incident involving
2 high-level radioactive waste, transuranic waste, highway route controlled
3 quantity shipments, spent nuclear fuel or low-level radioactive waste;

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

12 (G) administrative costs attributable to the state agencies that are
13 incurred through their involvement as it relates to the shipment of high-
14 level radioactive waste, transuranic waste, highway route controlled
15 quantity shipments, spent nuclear fuel or low-level radioactive waste
16 through or within the state.

17 (3) The secretary is authorized to receive any moneys from the
18 federal government or agencies of the federal government or from any
19 private or governmental source made available for the purposes of this
20 section.

21 (4) On or before the 10th of each month, the director of account and
22 reports shall transfer from the state general fund to the radioactive waste
23 transportation operating fund interest earnings based on:

24 (A) The average daily balance of moneys in the radioactive waste
25 transportation operating fund for the preceding month; and

26 (B) the net earnings rate of the pooled money investment portfolio for
27 the preceding month.

28 (d) Nothing in this section shall preclude any other state agency from
29 receiving reimbursement from the Kansas department of health and
30 environment and the radioactive waste transportation operating fund for
31 services rendered that achieve the objectives and comply with the
32 provisions of this section.

33 (e) Notice of any shipment of high-level radioactive waste,
34 transuranic waste, spent nuclear fuel or highway route controlled quantity
35 shipments through or within the state shall be provided by the shipper to
36 the governor's designee for advanced notification as described in 10 C.F.R.
37 parts 71 and 73, as in effect on July 1, 2022, before such shipment enters
38 the state. Notice of any shipment of low-level radioactive waste through or
39 within the state shall be provided by the shipper to the Kansas department
40 of health and environment and the division of emergency management of
41 the office of the adjutant general before such shipment enters the state.

42 (f) Any shipper who fails to pay a fee imposed under this section or
43 fails to provide notice of shipment shall be liable in a civil action for an

1 amount not to exceed 10 times the amount imposed and not paid. The
2 secretary of health and environment is authorized to request the attorney
3 general to bring an action to collect such fees and late surcharges. If the
4 action involves a facility domiciled in this state, the action shall be brought
5 in the district court of the county where the facility is located. If the action
6 does not involve a facility domiciled in this state, the action shall be
7 brought in the district court of Shawnee county.

8 (g) The following shipments shall be exempt from the provisions of
9 this section:

10 (1) Nuclear waste by a state-funded institution of higher education,
11 except that state-funded institution of higher education shall reimburse the
12 Kansas highway patrol directly for all costs related to shipment escorts;

13 (2) all sealed sources meeting the definition of low-level radioactive
14 waste;

15 (3) low-level radioactive waste that are within a radius of not more
16 than 50 miles from the shipment's point of origin;

17 (4) all naturally occurring radioactive material granted a license by
18 the secretary of the Kansas department of health and environment for
19 waste disposal pursuant to K.S.A. 48-1620, and amendments thereto;

20 (5) any low-level radioactive waste that has a half-life equal to or less
21 than 120 days; and

22 (6) high-level radioactive waste, transuranic waste, highway route
23 controlled quantity shipments, spent nuclear fuel or low-level radioactive
24 waste shipped by or for the federal government for military or national
25 defense purposes.

26 (h) Beginning on January 31st, 2023, and every two years thereafter,
27 the Kansas department of health and environment shall prepare and submit
28 a written report on activities of the radioactive waste transportation
29 operating fund to the legislature. Such report shall include information on
30 the revenue received from the fees established by this section and
31 expenditures made by the state to enforce and administer the provisions of
32 this section.

33 (i) The secretary of health and environment, in coordination with the
34 division of emergency management within the office of the adjutant
35 general and the department of transportation, shall adopt rules and
36 regulations to enforce and administer the provisions of this section.

37 Sec. 2. This act shall take effect and be in force from and after its
38 publication in the statute book.