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MEMORANDUM

To: House Committee on Transportation
From: Office of Revisor of Statutes
Date: February 15, 2022
Subject: Bill Brief – HB 2630

HB 2630 establishes fees for the transportation of certain radioactive materials through and within the state and establishes the radioactive materials transportation operating fund.

HB 2630 begins by providing definitions for certain terms including radioactive materials like “high-level radioactive waste,” “low-level radioactive waste,” “highway route controlled quantity,” “transuranic waste” and “spent nuclear fuel.” A “shipper” is also defined as the generator, owner or company contracting for the transportation by truck or rail of those radioactive materials.

The bill goes on to make any shipper subject to the fees that are newly established for the transportation of those defined materials. Fees are paid to the Kansas Department of Health and Environment (KDHE) and are due before the shipment begins. The fees are as follows:

- 1) \$1,800 for each truck transporting high-level radioactive waste, transuranic waste, spent nuclear fuel or highway route control quantity shipments. These transports are also subject to a \$25 per mile surcharge for a distance greater than 200 miles within the state;
- 2) \$1,300 for the first cask and \$125 for each additional task of high-level radioactive waste, transuranic waste or spent nuclear fuel shipped by rail; and
- 3) \$125 for each truck or railroad train transporting low-level radioactive waste and \$50 for each additional train car in excess of one car.

The fees will be deposited into the radioactive materials transportation operating fund that will be administered by the Secretary of Health and Environment. The fund can be used for inspecting, escorting, planning or the security of waste shipments; coordinating emergency responses; education, training and purchasing and maintaining equipment and supplies for local emergency responders; responding to radioactive material transportation incidents and

emergencies; overseeing environmental remediation following a radioactive material transportation incident; and paying administrative costs for any state agency that are incurred through such agency's involvement in this transportation program or the costs associated with contaminant cleanup related to a transportation incident.

HB 2630 goes on to require advanced notification by a shipper to the Governor's designee that is required by federal law for the transport of high-level radioactive waste, transuranic waste, spent nuclear fuel or highway route controlled quantity shipments before the shipment enters the state. Transport of low-level radioactive waste shall be provided to KDHE and the Division of Emergency Management in the Office of the Adjutant General. Shippers who fail to pay the fee are liable in a civil action by the Attorney General in an amount not more than 10 times the original fee. Actions against out of state shippers will be brought in Shawnee County and actions against in-state shippers will be brought in the county that shipper is located in.

Subsection (g) provides certain exemptions for materials such as those shipped by state-funded colleges, low-level radioactive waste meeting certain criteria such as distance travelled or permission by KDHE for disposal and materials shipped by the federal government for military and national defense purposes.

Finally, KDHE is required to prepare and submit a written report to the legislature detailing the activities of the radioactive waste transportation operating fund and the revenue received and expenditures of the fund. The secretary is also authorized to adopt rules and regulations to administer this bill in coordination with the Division of Emergency Management and the Kansas Department of Transportation.