

AMENDMENTS TO LB 397

1           1. Strike the original sections and insert the following  
2 new sections:

3           "Section 1. It is the intent of the Legislature that  
4 costs incurred by the State of Nebraska attributable to the  
5 shipment of high-level radioactive waste and transuranic waste in  
6 or through the state shall be borne by the shipper.

7           Sec. 2. For purposes of sections 1 to 5 of this act:

8           (1) Department means the Department of Health and Human  
9 Services Regulation and Licensure;

10           (2) High-level radioactive waste has the definition found  
11 in section 81-1589; and

12           (3) Transuranic waste means waste material containing  
13 alpha-emitting radioactive elements having an atomic number greater  
14 than 92 in concentrations greater than ten nanocuries per gram.

15           Sec. 3. Until January 1, 2004, a fee of two thousand  
16 dollars shall be assessed on each cask of high-level radioactive  
17 waste or transuranic waste shipped in or through the state, whether  
18 shipped by motor carrier or rail. On and after January 1, 2004,  
19 the department shall establish and assess fees on all high-level  
20 radioactive waste and transuranic waste shipped by any means in or  
21 through the state. Such fees shall be equitable and shall be used  
22 for purposes related to (1) shipping of high-level radioactive  
23 waste and transuranic waste, including, but not limited to,  
24 inspections, escorts, and security for waste shipment, planning,

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1 and maintenance, (2) coordination of emergency response capability,  
2 (3) education and training, (4) purchase of necessary equipment,  
3 and (5) administrative costs attributable to the state agencies  
4 which are incurred as related to the shipping of high-level  
5 radioactive waste and transuranic waste. Fees assessed pursuant to  
6 this section shall be paid in advance of shipment by the shipper.  
7 Fees collected by the department under this section shall be  
8 remitted to the State Treasurer for credit to the Radiation  
9 Transportation Emergency Response Cash Fund.

10           Sec. 4. The Radiation Transportation Emergency Response  
11 Cash Fund is created. The fund shall consist of fees credited  
12 pursuant to section 3 of this act. The fund shall be used for the  
13 purposes stated in such section. The Director-State Engineer, the  
14 Superintendent of Law Enforcement and Public Safety, the Director  
15 of Regulation and Licensure, the Adjutant General as director of  
16 the Nebraska Emergency Management Agency, and the executive  
17 director of the Public Service Commission, or their designees,  
18 shall meet at least annually to recommend changes in the fees  
19 charged and allocation of the fees collected among participating  
20 agencies based upon their respective costs in carrying out such  
21 section. Any money in the fund available for investment shall be  
22 invested by the state investment officer pursuant to the Nebraska  
23 Capital Expansion Act and the Nebraska State Funds Investment Act.

24           Sec. 5. The department may adopt and promulgate rules  
25 and regulations to carry out sections 1 to 4 of this act.

26           Sec. 6. Sections 1 to 5 of this act do not apply to  
27 high-level radioactive waste or transuranic waste shipped by or for

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1 the United States Government for military, national security, or  
2 national defense purposes. Sections 1 to 5 of this act do not  
3 require disclosure of defense information or restricted data as  
4 defined in the federal Atomic Energy Act of 1954.

5           Sec. 7. Since an emergency exists, this act takes effect  
6 when passed and approved according to law."