

Representative Darin G. Peterson proposes the following substitute bill:

**LEGISLATIVE EVALUATION OF APPROVAL
OF RADIOACTIVE WASTE FACILITY**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Kory M. Holdaway

This act modifies the Environmental Quality Code by providing that the Legislature shall, prior to approval of any facility to accept class B or C radioactive waste, consider and take into account any legislative studies regarding this waste.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

19-3-105, as last amended by Chapter 188, Laws of Utah 1994

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-3-105** is amended to read:

19-3-105. Legislative and gubernatorial approval required -- B and C low-level radioactive waste prohibited.

(1) (a) A person may not own, construct, modify, or operate any facility for the purpose of commercially transferring, storing, decaying in storage, treating, or disposing of radioactive waste without first submitting and receiving the approval of the board for a radioactive material license for the facility.

(b) A person may not construct a new commercial radioactive waste transfer, storage, decay in storage, treatment, or disposal facility until:

(i) the requirements of Section 19-3-104 have been met;

(ii) in addition and subsequent to the approval required in Subsection (1)(a), the governor has approved the facility, and the Legislature ~~[have]~~ has approved the facility, but only after it evaluates and takes into account the information described in Subsection (6) if the



26 facility is to accept class B or C radioactive waste, or both; and

27 (iii) local planning and zoning has authorized the facility.

28 (c) For purposes of this section, the following items shall be treated as submission of a
29 new license application:

30 (i) the submission of a revised application specifying a different geographic site than a
31 previously submitted application;

32 (ii) an application for amendment of a commercial radioactive waste license for
33 transfer, storage, decay in storage, treatment, or disposal facilities, including incinerators, if the
34 construction would cost 50% or more of the cost of construction of the original transfer,
35 storage, decay in storage, treatment, or disposal facility or the modification would result in an
36 increase in capacity or throughput of a cumulative total of 50% of the total capacity or
37 throughput which was approved in the facility license as of January 1, 1990, or the initial
38 approval facility license if the initial license approval is subsequent to January 1, 1990; or

39 (iii) any request for approval for a commercial radioactive waste transfer, storage,
40 decay in storage, treatment, or disposal facility to receive class B or class C low-level
41 radioactive waste, including the submission of a new license application, revised license
42 application, or major license amendment.

43 (2) A person need not obtain gubernatorial or legislative approval for the construction
44 of a radioactive waste facility for which a license application has been approved by the
45 Department of Health or submitted to the federal Nuclear Regulatory Commission and to the
46 Department of Health for approval before January 1, 1990, and which has been determined, on
47 or before October 31, 1990, by the Department of Health to be complete in accordance with
48 state and federal requirements.

49 (3) The board shall suspend acceptance of further applications for commercial
50 radioactive waste facilities upon a finding that they cannot adequately oversee existing and
51 additional radioactive waste facilities for license compliance, monitoring, and enforcement.
52 The board shall report the suspension to the Legislative Management Committee.

53 (4) The board shall review each proposed radioactive waste license application to
54 determine whether the application complies with the provisions of this chapter and the rules of
55 the board.

56 (5) (a) If the radioactive license application is determined to be complete, the board

57 shall issue a notice of completeness.

58 (b) If the plan is determined by the board to be incomplete, the board shall issue a
59 notice of deficiency, listing the additional information to be provided by the applicant to
60 complete the application.

61 (6) It is the intent of the Legislature that, in making its deliberations regarding approval
62 for any class B or C radioactive waste facility, the Legislature shall evaluate and give
63 consideration to the information and research provided by any interim legislative committees,
64 task forces, or appropriation committees regarding the economic and management issues
65 relevant to authorizing a class B or C radioactive waste facility in the state.