

RADIOACTIVE WASTE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill modifies provisions relating to the disposal of radioactive waste.

Highlighted Provisions:

This bill:

- ▶ provides that certain waste classifications are determined at the time of acceptance;
- ▶ allows the director of the Division of Waste Management and Radiation Control to authorize alternate requirements for waste classification and characteristics that would allow an entity to accept certain waste at a specific site;
- ▶ requires notice to a legislative committee;
- ▶ directs the director to require certain actions related to concentrated depleted uranium;
- ▶ imposes tax on certain waste; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-3-103.7, as last amended by Laws of Utah 2005, Chapter 10

ENACTS:

59-24-103.7, Utah Code Annotated 1953

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57

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

Section 1. Section **19-3-103.7** is amended to read:

**19-3-103.7. Prohibition of certain radioactive wastes -- Alternative classification
-- Concentrated depleted uranium.**

~~[(No)]~~ (1) Except as provided in Subsection (2), an entity may not accept in the state or apply for a license to accept in the state for commercial storage, decay in storage, treatment, incineration, or disposal waste, that at the time of acceptance is:

~~[(+)]~~ (a) class B or class C low-level radioactive waste; or

~~[(2)]~~ (b) radioactive waste having a higher radionuclide concentration than the highest radionuclide concentration allowed under licenses existing on February 25, 2005, that have met all the requirements of Section 19-3-105.

(2) (a) Subject to the other provisions of this Subsection (2), at the request of a licensee or applicant, the director may authorize provisions for the classification and characteristics of waste for land disposal within the state on a specific basis, if after evaluation of the specific characteristics of the waste, disposal site, and method of disposal, the director finds that:

(i) when considering the characteristics of the waste and the site-specific applicable method of disposal, there is reasonable assurance of compliance with the performance objectives, dose limits, and other applicable requirements set forth in rules made by the board that govern the type of issues addressed in 10 C.F.R. Part 61, Licensing Requirements for Land Disposal of Radioactive Waste, Subpart C, Performance Objectives; and

(ii) the dose limits of the waste are equal to or less than that of:

(A) class A low-level radioactive waste; and

(B) waste described under Subsection (1)(b).

(b) The prohibition of accepting waste or applying for accepting waste described in Subsection (1) does not apply to waste that is classified in compliance with the requirements of this Subsection (2).

(c) Within five business days of the day on which the director makes findings to

58 authorize the classification and characteristics of waste on a specific basis under Subsection
59 (2)(a), the director shall notify:

60 (i) the chairs of the Natural Resources, Agriculture, and Environment Interim
61 Committee; or

62 (ii) if the findings are issued during a general legislative session, the chair of the House
63 Natural Resources, Agriculture, and Environment Standing Committee and the chair of the
64 Senate Natural Resources, Agriculture, and Environment Standing Committee.

65 (d) The director's authorization for the classification and characteristics of waste on a
66 specific basis under this Subsection (2) does not take effect until 90 days from the day on
67 which the director makes the findings under Subsection (2)(a) to authorize the classification
68 and characteristics of the waste.

69 (e) The board may make rules, in accordance with Title 63G, Chapter 3, Utah
70 Administrative Rulemaking Act, to implement this Subsection (2).

71 (3) The director shall require as a condition to the disposal by a radioactive waste
72 facility of a total aggregate quantity of more than one metric ton of concentrated depleted
73 uranium:

74 (a) an approved performance assessment;

75 (b) designation of a federal cell by the director; and

76 (c) pursuant to an agreement acceptable to the director, that the United States
77 Department of Energy accepts perpetual management of the federal cell, title to the land on
78 which the federal cell is located, title to the waste in the federal cell, and financial stewardship
79 for the federal cell and waste in the federal cell.

80 Section 2. Section **59-24-103.7** is enacted to read:

81 **59-24-103.7. Radioactive waste facility disposal tax for concentrated depleted**
82 **uranium and specific site approved waste.**

83 (1) On and after July 1, 2019, there is imposed a tax on a radioactive waste facility as
84 provided in this section.

85 (2) The tax is equal to the sum of the following amounts:

86 (a) 12% of the gross receipts of a radioactive waste facility derived from the disposal

87 of:

88 (i) concentrated depleted uranium; and

89 (ii) containerized waste disposed under Subsection [19-3-103.7\(2\)](#);

90 (b) 10% of the gross receipts of a radioactive waste facility derived from the disposal

91 of processed waste disposed under Subsection [19-3-103.7\(2\)](#); and

92 (c) 5% of the gross receipts of a radioactive waste facility derived from the disposal of

93 uncontainerized, unprocessed waste disposed under Subsection [19-3-103.7\(2\)](#).