

**RADIATION CONTROL ACT AND
AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: James R. Gowans

This act modifies the Environmental Quality Code to require the state to assume ownership in fee simple, for purposes of perpetual care, of the land underlying that portion of a commercial radioactive waste disposal facility used for the disposal of class B and C low-level radioactive waste, unless the federal government owns the land. The act provides that the land conveyance shall be made without cost to the state.

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

ENACTS:

19-3-115, Utah Code Annotated 1953

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

Section 1. Section **19-3-115** is enacted to read:

19-3-115. Commercial radioactive waste disposal facility -- Property ownership.

(1) (a) The state shall assume ownership in fee simple, for purposes of perpetual care, of the land underlying that portion of a commercial radioactive waste disposal facility used for the management and disposal of class B and C low-level radioactive waste, unless the federal government owns the land.

(b) The transfer of ownership shall be made upon approval by the governor and the Legislature of the commercial radioactive waste disposal facility's request to dispose of class B and C low-level radioactive waste, pursuant to Section 19-3-105.

(2) The transfer of ownership to the state shall be accomplished by the delivery to the Division of Facilities Construction and Management of a warranty deed conveying fee simple title to the land without any reservation of interests to the grantor.

(3) The conveyance of land from the commercial radioactive waste disposal facility to the



28 state shall be made without cost or consideration on the part of the state.

29 (4) The use of the land is restricted to those uses that are in conformity with applicable
30 state and federal laws, rules, regulations, orders, licenses, permits, authorizations, and agreements
31 pertaining to the construction, modification, operation, or postclosure care of a facility for the
32 purpose of commercially transferring, storing, decaying in storage, treating, or disposing of
33 radioactive waste.

34 (5) (a) Upon closure of the facility, the state and the licensee of the facility shall request
35 the United State Department of Energy to accept ownership in fee simple of the land without cost
36 or consideration on the part of the federal government.

37 (b) The transfer of ownership to the federal government shall be accomplished by the
38 delivery by the Division of Facilities Construction and Management of a deed conveying fee
39 simple title to the land to the United States Department of Energy.

40 (6) The ownership of the land by the state or federal government may not affect the rights
41 and obligations of the commercial radioactive waste disposal facility operator under any license
42 or other authorization, including the right to enter onto the land to conduct the activities permitted
43 by the license or other authorization.

44 (7) (a) The Division of Facilities Construction and Management may enter into a lease for
45 use of the land with the commercial radioactive waste disposal facility operator.

46 (b) The lease may not require payments by the commercial radioactive waste disposal
47 facility operator to the state or otherwise impose obligations on the commercial radioactive waste
48 disposal facility operator in conflict with the requirements of any applicable state or federal laws,
49 rules, regulations, orders, licenses, permits, authorizations, or agreements pertaining to the
50 construction, modification, operation, or postclosure care of the facility.

Legislative Review Note
as of 2-6-01 11:27 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel