

Representative Carl R. Albrecht proposes the following substitute bill:

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; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **19-3-103.7**, as last amended by Laws of Utah 2005, Chapter 10



27
28 *Be it enacted by the Legislature of the state of Utah:*

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

30 **19-3-103.7. Prohibition of certain radioactive wastes.**

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

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

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

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

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

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

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

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

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

53 (c) Within five business days of the day on which the director makes findings to
54 authorize the classification and characteristics of waste on a specific basis under Subsection
55 (2)(a), the director shall notify:

56 (i) the chairs of the Natural Resources, Agriculture, and Environment Interim

57 Committee; or

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

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

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

67 (3) The director shall require as a condition to the disposal of quantities of more than
68 one metric ton of concentrated depleted uranium:

69 (a) a performance assessment;

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

71 (c) that the United States Department of Energy accepts long term management, title to
72 the land on which the federal cell is located, title to the waste in the federal cell, and financial
73 stewardship for the federal cell and waste in the federal cell.