

Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of House Bill No. 1154

TO AMEND AND UPDATE THE ARKANSAS CODE REGARDING REGULATION OF IONIZING
RADIATION TO COMPLY WITH FEDERAL LAWS AND REGULATIONS.

Amendment No. 1 to House Bill 1154

Amend House Bill No. 1154 as originally introduced:

Page 2, delete lines 17 through 36, and substitute the following:

~~"(7)(5)~~ "By-product material" means:

(A) Any ~~any~~ radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(B) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute by-product material within this definition;

(C)(i) Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on or after August 8, 2005, for use for a commercial, medical, or research activity; or

(ii) Any material that:

(a) Has been made radioactive by use of a particle accelerator; and

(b) Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

(D) Any discrete source of naturally occurring radioactive material, other than source material, that:

(i) The United States Nuclear Regulatory Commission, in consultation with the Administrator of the United States Environmental Protection Agency, the United States Secretary of Energy, the United States Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and



(ii) Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity;"

AND

Page 3, delete lines 1 through 12

AND

Page 7, delete lines 1 through 13, and substitute the following:

"association, trust, estate, public or private institution, group, agency of this state, political subdivision of this state, of any other state, or political subdivision or agency thereof; and

(B) Any any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than United States Government agencies licensed by the United States Atomic Energy Commission, or any successor thereto but not including United States Government agencies;"

AND

Page 8, delete lines 30 through 36, and substitute the following:

"(36)(A) "Source material" means:

(i) Uranium, thorium, or any combination thereof, in any physical or chemical form; or

(ii) Ores that contain by weight one-twentieth of one percent (0.05%) or more of uranium, thorium, or any combination thereof.

(B) "Source material" does not include special nuclear material;"

AND

Page 9, delete line 1

AND

Page 9, delete lines 4 through 15, and substitute the following:

"(46)(38) "Special nuclear material" means:

(A) Plutonium, ~~uranium-233~~ uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Governor declares by order to be special nuclear material after that the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such Nuclear Regulatory Commission under the provisions of § 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material but does not include source material; or

(B) Any material artificially enriched by any of the foregoing but does not include source material;"

AND

Page 9, line 18, delete "year of decay" and substitute "year's decay"

AND

Page 9, line 36, delete "Transuranic waster" and substitute "Transuranic waste"

AND

Page 10, delete lines 8 and 9, and substitute the following:
"mechanical service which is performed in ~~the well bore~~ a wellbore, using devices on a wireline; and"

AND

Page 10, delete lines 28 and 29, and substitute the following:
"connection with proceedings under this subchapter. This power is intended for use in conjunction with any licensing or registration authority;"

AND

Page 11, delete lines 14 through 16, and substitute the following:
"relating to regulation of sources of ionizing ~~radiations~~ radiation, pending or promulgated, and proceedings thereon~~;~~."

AND

Page 11, delete lines 19 and 20, and substitute the following:
"State of Arkansas, any lands, buildings, and grounds where radioactive by-products and wastes produced by industrial, medical,"

AND

Page 11, delete line 26, and substitute the following:
"Department of Transportation in § 27-67-301 et seq.~~;~~
(3) The State Radiation Control Agency shall not approve any application for a license to receive radioactive waste from other persons for disposal on land not owned by the state or the United States Government."

AND

Page 11, line 36, delete "(c)(1)(A)(i)" and substitute "(c)(1)(A)"

AND

Page 12, delete lines 1 through 15, and substitute the following:
"radioactive waste, the State Radiation Control Agency shall, and for other classes of licensed activity the State Radiation Control Agency may, establish by rule standards and procedures to ensure that the licensee will provide an adequate surety or other financial arrangement to permit the completion of all requirements established by the State Radiation Control Agency for the decontamination, closure, decommissioning, and reclamation of

sites, structures, and equipment used in conjunction with such licensed activity, in case the licensee should default for any reason in performing such requirements."

AND

Page 12, delete line 26, and substitute the following:

"necessary to complete such requirements on which licensees have defaulted."

AND

Page 12, delete lines 34 through 36, and substitute the following:

~~"(D)(i) All state, local, or other governmental agencies or subdivisions shall be exempt from the requirements of this subdivision (10)."~~

AND

Page 13, delete line 28, and substitute the following:

"(2) ~~These funds~~ All trust fund moneys including moneys accrued as interest on the trust fund, shall be automatically"

AND

Page 15, delete line 6, and substitute the following:

"(3) The sureties or other financial arrangements and funds required by subdivisions (c)(1) and (2) of this section shall be established in amounts sufficient to ensure compliance with those standards, if any, established by the United States Nuclear Regulatory Commission pertaining to closure, decommissioning, reclamation, and long-term site surveillance and care of such facilities and sites.

(4) All state, local, or other governmental agencies or subdivisions shall be exempt from the requirements of subdivisions (c)(1) and (2) of this section.

(5) The State Radiation Control Agency may by contract,"

AND

Page 15, delete line 29, and substitute the following:

"licenses and registrations."

AND

Page 16, delete lines 15 through 19, and substitute the following:

~~"be assigned or in any manner disposed of~~ No license or registration issued under this subchapter nor any right under a license or registration shall be transferred, assigned, or in any manner disposed of unless the agency shall, after securing full information, find that the transfer is in accordance with the provisions of this subchapter and shall give its consent in writing;"

AND

Page 17, delete line 2, and substitute the following:

"Rules promulgated pursuant to this subchapter may provide for"

AND

Page 23, line 26, delete "wastes," and substitute "~~wastes~~ waste,"

AND

Page 24, line 9, delete "or reclamation;" and substitute "~~or~~ and
reclamation;"

AND

Page 24, line 12, delete "an" and substitute "~~an~~"

The Amendment was read _____

By: Representative Ladyman

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Chief Clerk