

By: Landgraf

H.B. No. 7

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the storage or disposal of high-level radioactive
3 waste.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 401.003, Health and Safety Code, is
6 amended by adding Subdivision (12-b) to read as follows:

7 (12-b) "High-level radioactive waste" has the meaning
8 assigned by 42 U.S.C. Section 10101(12) and includes spent nuclear
9 fuel as defined by 42 U.S.C. Section 10101(23).

10 SECTION 2. Section 401.0525, Health and Safety Code, is
11 amended by adding Subsection (c) to read as follows:

12 (c) With the exception of a permit for a facility located at
13 the site of currently or formerly operating nuclear power reactors
14 and currently or formerly operating nuclear research and test
15 reactors operated by a university, the commission may not under the
16 authority given to the agency under Section 301, 304, or 401 of the
17 Clean Water Act (33 U.S.C. Sections 1311, 1314, and 1341) issue a
18 general construction permit or approve a Stormwater Pollution
19 Prevention Plan under Section 26.040, Water Code, or issue a permit
20 under the Texas Pollutant Discharge Elimination System Program
21 under Section 26.027, 26.028, or 26.121, Water Code, for the
22 construction or operation of a facility that is licensed for the
23 storage of high-level radioactive waste by the United States
24 Nuclear Regulatory Commission under 10 C.F.R. Part 72. Section

1 401.005 does not apply to this subsection.

2 SECTION 3. Subchapter C, Chapter 401, Health and Safety
3 Code, is amended by adding Section 401.072 to read as follows:

4 Sec. 401.072. DISPOSAL OR STORAGE OF HIGH-LEVEL RADIOACTIVE
5 WASTE. With the exception of storage at the site of currently or
6 formerly operating nuclear power reactors and currently or formerly
7 operating nuclear research and test reactors operated by a
8 university, a person, including the compact waste disposal facility
9 license holder, may not dispose of or store high-level radioactive
10 waste in this state.

11 SECTION 4. Section 401.0525(c), Health and Safety Code, as
12 added by this Act, applies only to an application for a permit or
13 permit amendment submitted on or after the effective date of this
14 Act.

15 SECTION 5. If any provision of this Act or its application
16 to any person or circumstance is held invalid, the invalidity does
17 not affect other provisions or applications of this Act that can be
18 given effect without the invalid provision or application, and to
19 this end the provisions of this Act are declared to be severable.

20 SECTION 6. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect on the 91st day after the last day of the
25 legislative session.