

By: Chisum (Senate Sponsor - Harris) H.B. No. 253
(In the Senate - Received from the House April 28, 2003;
May 1, 2003, read first time and referred to Committee on Health
and Human Services; May 22, 2003, reported favorably by the
following vote: Yeas 9, Nays 0; May 22, 2003, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to granting, renewing, or amending a license or
registration under the Texas Radiation Control Act.

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

SECTION 1. Section 401.110, Health and Safety Code, is
amended to read as follows:

Sec. 401.110. DETERMINATION ON LICENSE. (a) In making a
determination whether to grant, deny, amend, renew, revoke,
suspend, or restrict a license or registration, the commission may
consider an applicant's or license holder's technical competence,
financial qualifications, and compliance history under the method
for evaluation of compliance history developed by the commission
under Section 5.754, Water Code.

(b) In making a determination whether to grant, deny, amend,
renew, revoke, suspend, or restrict a license or registration, the
department may consider the technical competence, financial
qualifications, and compliance history of an applicant, license
holder, or registration holder. After an opportunity for a
hearing, the department shall deny an application for a license or
registration, license or registration amendment, or license or
registration renewal if the applicant's compliance history reveals
a recurring pattern of conduct that demonstrates a consistent
disregard for the regulatory process through significant
violations of this chapter or the department's rules adopted under
this chapter.

SECTION 2. Section 401.112(a), Health and Safety Code, is
amended to read as follows:

(a) The department or commission, within its jurisdiction,
in making a licensing decision on a specific license application to
process or dispose of low-level radioactive waste from other
persons, shall consider:

(1) site suitability, geological, hydrological, and
meteorological factors, and natural hazards;

(2) compatibility with present uses of land near the
site;

(3) socioeconomic effects on surrounding communities
of operation of the licensed activity and of associated
transportation of low-level radioactive waste;

(4) the need for and alternatives to the proposed
activity, including an alternative siting analysis prepared by the
applicant;

(5) the applicant's qualifications, including
financial and technical qualifications and compliance history
under the method for evaluation of compliance history developed by
the commission under Section 5.754, Water Code, for an application
to the commission or the requirements of Section 401.110(b) for an
application to the department;

(6) background monitoring plans for the proposed site;

(7) suitability of facilities associated with the
proposed activities;

(8) chemical, radiological, and biological
characteristics of the low-level radioactive waste and waste
classification under Section 401.053;

(9) adequate insurance of the applicant to cover
potential injury to any property or person, including potential
injury from risks relating to transportation;

(10) training programs for the applicant's employees;

(11) a monitoring, record-keeping, and reporting

program;
 (12) spill detection and cleanup plans for the
 licensed site and related to associated transportation of low-level
 radioactive waste;
 (13) decommissioning and postclosure care plans;
 (14) security plans;
 (15) worker monitoring and protection plans;
 (16) emergency plans; and
 (17) a monitoring program for applicants that includes
 prelicense and postlicense monitoring of background radioactive
 and chemical characteristics of the soils, groundwater, and
 vegetation.

SECTION 3. (a) This Act takes effect September 1, 2003.

(b) The changes in law made by the addition of Section
 401.110(b), Health and Safety Code, and the amendment of Section
 401.112(a), Health and Safety Code, by this Act, apply only to an
 application for the issuance, amendment, or renewal of a license or
 registration submitted to the Texas Department of Health under
 Chapter 401, Health and Safety Code, on or after September 1, 2003.

(c) Not later than December 1, 2003, the Texas Department of
 Health shall adopt rules to implement the changes in law made by
 Section 401.110(b), Health and Safety Code, as added by this Act,
 and Section 401.112(a), Health and Safety Code, as amended by this
 Act.

* * * * *