

By: Averitt

S.B. No. 1837

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of uranium mining and disposal of certain radioactive materials and low-level radioactive waste.

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

SECTION 1. Subchapter D, Chapter 401, Health and Safety Code, is amended by adding Section 401.1085 to read as follows:

Sec. 401.1085. FINANCIAL QUALIFICATIONS FOR URANIUM MINING. (a) Before a license is issued or renewed by the commission to authorize in situ or surface mining of uranium, the applicant shall demonstrate to the commission that the applicant is financially qualified to conduct the licensed activity, including any required decontamination, decommissioning, reclamation, and disposal, by posting acceptable security.

(b) An in situ or surface uranium mining license holder shall submit to the commission, at intervals required by commission rules or the license, as appropriate, proof of the license holder's financial qualifications by updating the security.

(c) The commission shall reevaluate every five years the qualifications and security provided by an in situ or surface uranium mining license holder. The reevaluation may coincide with license renewal procedures if renewal and reevaluation occur in the same year.

(d) Section 401.108 does not apply to an applicant subject to this section.

SECTION 2. Section 401.305(b), Health and Safety Code, is amended to read as follows:

(b) The department and commission each shall deposit to the credit of the perpetual care account money and security they receive under this chapter, including an administrative penalty collected by the department under Sections 401.384-401.390 but excluding fees collected under Sections 401.301(a)-(c) and 401.302 and excluding fees subject to Section 401.306. Interest earned on money in the perpetual care account shall be credited to the perpetual care account.

SECTION 3. Subchapter H, Chapter 401, Health and Safety Code, is amended by adding Section 401.306 to read as follows:

Sec. 401.306. URANIUM RECOVERY AND RADIOACTIVE WASTE PROCESSING ACCOUNT. (a) The uranium recovery and radioactive waste processing account is created as an account in the general revenue fund.

(b) Licensing fees collected by the Department of State Health Services for activities subject to Subchapter F or G shall be deposited to the credit of the account. Interest earned on money in the account shall be credited to the account.

(c) Money in the account may be appropriated only to the Department of State Health Services for the department's regulatory activities under Subchapter F or G.

(d) Section 403.095, Government Code, does not apply to the account.

SECTION 4. Subchapter D, Chapter 27, Water Code, is amended by adding Section 27.057 to read as follows:

1 Sec. 27.057. AREA PERMITS AND PRODUCTION AREAS FOR URANIUM
2 MINING. (a) The commission may issue an area permit that authorizes
3 construction and operation inside a specified area of two or more
4 similar injection wells for uranium mining.

5 (b) An application for a new area permit, a major amendment
6 of an area permit, or a renewal of an area permit is subject to the
7 commission's rules adopted under Section 27.018 regarding notice
8 and opportunity for a hearing.

9 (c) The commission by rule shall establish technical
10 requirements for holders of area permits, including methods for
11 determining restoration table values, a requirement that the permit
12 holder make reports related to specified areas in the area subject
13 to an area permit, and other reporting requirements. The commission
14 by rule shall specify, regarding reports required under this
15 subsection:

16 (1) content requirements;

17 (2) submission requirements; and

18 (3) procedures for commission staff review.

19 (d) The commission may require as a condition of an area
20 permit that the permit holder submit a report to the executive
21 director before the permit holder begins or resumes a mining
22 activity in specified areas in the area subject to the permit.

23 (e) The commission by rule may provide that a permit holder
24 may not begin or resume a mining activity in a specified area of the
25 area subject to an area permit until commission staff confirms
26 after review that the permit holder has complied with all reporting
27 requirements under the permit or commission rules, but may not

1 require a contested case hearing on the matter of beginning or
2 resuming the mining activity.

3 (f) The term of an area permit issued or renewed under this
4 section on or after September 1, 2007, is 10 years.

5 (g) An area permit for mining uranium issued by the
6 commission before September 1, 2007, expires September 1, 2012,
7 unless an application for its renewal is made as provided by this
8 subsection before that date. The holder of an area permit issued by
9 the commission before September 1, 2007, must apply to the
10 commission to renew the permit under this section and reauthorize
11 the construction and operation of injection wells in the area
12 subject to the area permit. The expiration of a permit as provided
13 by this subsection does not relieve the permit holder from
14 obligations under the permit or commission rules, including the
15 obligations to restore groundwater and to plug and abandon wells in
16 accordance with the permit and the rules.

17 SECTION 5. This Act takes effect September 1, 2007.