

Amend CSSB 1504 (house committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 401.207(e), Health and Safety Code (page 3, line 17), strike "an average of".

(2) In SECTION 2 of the bill, in added Section 401.207(e), Health and Safety Code (page 3, lines 18-19), strike "annually over the first 10 years of disposal operations, with an annual limit of not more than 220,000 curies" and substitute "annually, except that in the first year the license holder may accept 220,000 curies".

(3) In SECTION 2 of the bill, strike added Sections 401.207(f) and (g), Health and Safety Code (page 4, lines 1-15), and substitute:

(f) Of the total initial licensed capacity of the compact waste disposal facility:

(1) not more than 30 percent of the volume and curie capacity shall be for nonparty compact waste; and

(2) of the remaining capacity, not less than 80 percent of the volume and curie capacity shall be for compact waste generated in the host state and 20 percent of the volume and curie capacity shall be for compact waste generated in Vermont.

(g) The commission shall assess a surcharge for the disposal of nonparty compact waste at the compact waste disposal facility. The surcharge is 20 percent of the total contracted rate under Section 401.2456 and must be assessed in addition to the total contracted rate under that section.

(4) In SECTION 2 of the bill, in amended Section 401.207, Health and Safety Code, between Subsections (h) and (i) of the section (page 4, between lines 17 and 18), insert:

(h-1) The commission shall conduct a study of the surcharge described by Subsection (g) and, not later than December 1, 2016, shall issue the results of the review to the legislature. The commission shall review the operations and expenses of the compact waste disposal facility license holder and shall require the compact waste disposal facility license holder to provide justification of disposal expenses and historical costs associated with the facility through appropriate evidentiary and empirical records, studies, and other applicable methodologies. The commission shall consider the impact of the surcharge on the

overall revenue generated for the state and may request the assistance of the comptroller in conducting the analysis of the impact of the surcharge.

(5) In SECTION 2 of the bill, strike added Sections 401.207(j) and (k), Health and Safety Code (page 4, line 21, through page 5, line 6), and substitute:

(j) An application for the approval of the importation of nonparty compact waste may be submitted to the Texas Low-Level Radioactive Waste Disposal Compact Commission only by the generator of the waste.

(k) The commission, in coordination with the Texas Low-Level Radioactive Waste Disposal Compact Commission, shall adopt rules establishing criteria and thresholds by which incidental commingling of party state compact waste and waste from other sources at a commercial processing facility is considered and reasonably limited. The criteria and thresholds for commingling under this subsection established by commission rule are binding on any criteria and thresholds that may be established by the Texas Low-Level Radioactive Waste Disposal Compact Commission.

(6) In SECTION 3 of the bill, in added Section 401.208(b)(2), Health and Safety Code (page 5, lines 19-20), strike "the result of using decay factors in revising curie capacity limits" and substitute "the calculation of radioactive decay related to the compact waste disposal facility and radiation dose assessments based on the curie capacity".

(7) In SECTION 3 of the bill, in added Section 401.208(b)(3), Health and Safety Code (page 5, line 22), strike "and".

(8) In SECTION 3 of the bill, in added Section 401.208(b)(4), Health and Safety Code (page 5, line 24), between "public" and the underlined period, insert:
; and

(5) the costs and benefits of volume reduction and stabilized waste forms

(9) In SECTION 3 of the bill, strike added Section 401.208(e), Health and Safety Code (page 6, line 5), and substitute:

(e) The commission may conduct a study described by Subsection (a) at any time after December 1, 2012, if the commission determines that a study is necessary.

(10) In SECTION 3 of the bill, strike added Section 401.2085(c), Health and Safety Code (page 6, line 24).

(11) Strike SECTION 4 of the bill (page 6, line 25 through page 7, line 3).

(12) In SECTION 6 of the bill, in added Section 401.245(h), Health and Safety Code (page 8, lines 3-4), strike "case is referred by the commission" and substitute "State Office of Administrative Hearings assumes jurisdiction of the case".

(13) Strike SECTION 7 of the bill (page 8, line 5, through page 11, line 27) and substitute:

SECTION 7. Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Sections 401.2455 and 401.2456 to read as follows:

Sec. 401.2455. INTERIM PARTY STATE COMPACT WASTE DISPOSAL FEES. (a) The commission's executive director may establish interim party state compact waste disposal fees effective only for the period beginning on the date the compact waste disposal facility license holder is approved to accept waste at the disposal facility and ending on the effective date of the rules establishing the fees under Section 401.245.

(b) An extension of the period during which interim rates apply may not be granted. If the State Office of Administrative Hearings has not issued a proposal for decision before the expiration of the period under Section 401.245(h), all disposal at the compact waste disposal facility must cease until the fees are adopted.

Sec. 401.2456. CONTRACTS FOR NONPARTY COMPACT WASTE DISPOSAL. (a) At any time after the commission has granted approval to begin operating the compact waste disposal facility, the compact waste disposal facility license holder may contract rates with nonparty compact waste generators for the disposal of nonparty compact waste at the facility in accordance with the compact waste disposal facility license.

(b) Rates and contract terms negotiated under this section

are subject to review and approval by the commission's executive director to ensure they meet all of the requirements of this section.

(c) Rates negotiated under this section must be set both by a price per curie and a price per cubic foot. Fees resulting from the negotiated rates must be greater than, as applicable:

(1) the compact waste disposal fees under Section 401.245 as set by the commission that are in effect at the time the rates are negotiated; or

(2) the interim compact waste disposal fees under Section 401.2455 as set by the commission's executive director that are in effect at the time the rates are negotiated.

(d) A contract under this section must:

(1) be negotiated in good faith;

(2) conform to applicable antitrust statutes and regulations; and

(3) be nondiscriminatory.

(e) Rates set under this section must generate fees sufficient to meet the criteria for party state compact waste under Sections 401.246(a) and (c).

(14) In the recital to SECTION 8 of the bill (page 12, lines 1-2), strike "401.246(a), Health and Safety Code, is amended" and substitute "401.246, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c)".

(15) In SECTION 8 of the bill, following amended Section 401.246(a), Health and Safety Code (page 12, between lines 23 and 24), insert:

(c) In determining compact waste disposal fees, the commission shall only consider capital investment in property by the compact waste disposal facility license holder that is used and useful to the compact waste disposal facility as authorized under this chapter. The commission may not consider the capital investment costs or related costs incurred before September 1, 2003, in determining disposal fees.

(16) In SECTION 10 of the bill, strike added Section 401.250(e), Health and Safety Code (page 15, lines 12-14), and substitute:

(e) For the purposes of calculating the amount of a payment required under Section 4.05(5) of the compact, the amount of a payment under this section is considered to be a payment under Article V of the compact.

(17) Add the following appropriately numbered SECTION to the bill:

SECTION ____ . Section 401.271, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) A holder of a license or permit issued by the commission under this chapter or Chapter 361 that authorizes the storage, other than disposal, of a radioactive waste or elemental mercury from other persons shall remit each quarter to the commission for deposit into the general revenue fund an amount equal to 20 percent of the license or permit holder's gross receipts received from the storage of the substance for any period after the first anniversary of the date the waste or mercury was initially stored. This subsection applies only to the storage of radioactive waste or elemental mercury at or adjacent to the compact waste disposal facility.

(18) Renumber the SECTIONS of the bill appropriately.