

By: Turner

H.B. No. 3699

A BILL TO BE ENTITLED

AN ACT

relating to the disposal of nonparty compact low-level radioactive waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

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

SECTION 1. Section 401.207, Health and Safety Code, is amended to read as follows:

Sec. 401.207. OUT-OF-STATE WASTE. (a) The compact waste disposal facility license holder may not accept low-level radioactive waste generated in another state for disposal under a license issued by the commission unless the waste is:

(1) accepted under a compact to which the state is a contracting party;

(2) federal facility waste that the license holder is licensed to dispose of under Section 401.216; or

(3) generated from manufactured sources or devices originating in this state.

(4) approved under Section 403.3.05(6) of the Texas Low-Level Radioactive Waste Disposal Compact.

(b) No waste generated in another state may be disposed of at the compact facility under a license issued by the commission until the commission has completed the following studies:

(1) A comparative-analysis of anticipated costs, volumes and radioactivity resulting from disposal of waste

1 originating in the compact states to determine whether or not any
2 excess capacity would exist at the disposal facility, and under
3 each of the following scenarios:

4 (a) if waste minimization techniques are adopted
5 by waste generators, waste processors, and the waste disposal
6 facility

7 (b) if during nuclear plant decommissioning
8 radioactive materials are not separated from one another based upon
9 classification or from other non-radioactive materials prior to
10 disposal

11 (2) An analysis of potential cleanup costs if the
12 facility's liner is breached and radioactive waste migrates into
13 one or more neighboring fresh water formations after the
14 termination of the license, and of the liability born by the state
15 under such scenarios;

16 (3) An analysis of anticipated transportation routes
17 through the state that would be used to bring imported waste to the
18 disposal facility, the likelihood of accidents and/or spills along
19 those routes, the adequacy of emergency preparedness to respond to
20 accidents and/or spills along those routes, and the resulting costs
21 that would be associated with healthcare, clean-up, and
22 compensating property owners for contaminated property;

23 (4) An analysis of the adequacy of all related surety
24 bonds against post-closure costs, including funds for unplanned
25 events, to ensure that these funds are adequately segregated, the
26 instruments are highly unlikely to result in a financial reversal,
27 and that the amounts available will cover the state's liabilities,

1 including any discovered in the execution of Subsections (2) and
2 (3).

3 (c) The compact waste disposal facility license holder is
4 not entitled to accept for disposal at the compact waste disposal
5 facility non-compact waste that is classified as Class A, Class B,
6 or Class C low-level radioactive waste if acceptance may diminish
7 the disposal volume available to party states.

8 (d) The acceptance for disposal of waste of international
9 origin at the compact waste disposal facility is prohibited.

10 SECTION 2. Subchapter F, Chapter 401, Health and Safety
11 Code, is amended by adding Section 401.208 to read as follows:

12 Sec. 401.208. LIMITATIONS ON NONPARTY COMPACT WASTE. (a) In
13 this section:

14 (1) "Compact" means the compact under Section 403.006.

15 (2) "Compact commission" means the commission
16 established under Article III of the compact.

17 (3) "Nonparty compact waste" means low-level
18 radioactive waste accepted from a state other than a party state as
19 authorized by Section 3.05(6) of the compact.

20 (b) The compact waste disposal facility license holder may
21 accept nonparty compact waste for disposal at the compact waste
22 disposal facility only as necessary to address unplanned or
23 extraordinary events occurring in the generating state, as defined
24 by rule by the compact commission.

25 (c) The compact waste disposal facility license holder may
26 not accept a volume of nonparty compact waste that would exceed 10
27 percent of the total volume of the host state's compact waste as

1 projected by the commission to be accepted by the facility under
2 Section 3.04(11) of the compact, its license issued by the
3 commission and under rules promulgated by the compact commission.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2011.