

By: Darby

H.B. No. 1653

A BILL TO BE ENTITLED

AN ACT

relating to the operations of 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 401.003(15), Health and Safety Code, is amended to read as follows:

(15) "Person affected" means a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government:

(A) is a resident of a Texas county, or a Texas county adjacent to that county, in which nuclear or radioactive material is or will be located; or

(B) is doing business or has a legal interest in land in the county in which nuclear or radioactive material is or will be located or adjacent Texas county.

SECTION 2. Section 401.116, Health and Safety Code, is amended by adding subsections (e) and (f) to read as follows:

(e) The commission may not seek further public comment or hold a public hearing under the procedures provided by Subsections (b)-(d) on a minor amendment to the license.

(f) In this section, "minor amendment" is one which:

(A) authorizes a change in the type, volume or concentration limits of wastes to be received to the extent the change does not increase the total volume and curie capacities

1 approved by the commission in the existing license; or

2 (B) authorizes a new technology or process that  
3 requires an engineering review located on a site in which an  
4 environmental assessment has been completed and the new technology  
5 or process does not pose a potential detrimental impact on public  
6 health and safety, worker safety, or environmental health.

7 SECTION 3. Section 401.202, Health and Safety Code, is  
8 amended by adding subsection (d) to read as follows:

9 (d) If the commission issues a compact waste disposal  
10 facility license that is later reversed or remanded to the  
11 commission by order of a court on procedural error:

12 (1) all terms and conditions of the license shall  
13 remain in effect until the issues on remand from the court have  
14 been addressed by the commission in a final order; and

15 (2) the commission's executive director may enter  
16 into a compliance agreement with the license holder authorizing  
17 continued operation of the disposal facility until the issues on  
18 remand from the court have been addressed by the commission in a  
19 final order.

20 SECTION 4. Section 401.207(e), Health and Safety Code, is  
21 amended to read as follows:

22 (e) The compact waste disposal facility license holder may  
23 not accept more than 50,000 total cubic feet of nonparty compact  
24 waste annually. The compact waste disposal facility license holder  
25 may not accept more than [~~120,000 curies of nonparty compact waste~~  
26 ~~annually, except that in the first year the license holder may~~  
27 ~~accept~~] 220,000 curies of nonparty compact waste annually. The

1 legislature by general law may establish revised limits after  
2 considering the results of the study under Section 401.208.

3 SECTION 5. Section 401.245, Health and Safety Code, is  
4 amended by deleting subsection (h) as follows:

5 ~~[(h) The administrative law judge assigned to the contested  
6 case involving the adoption of fees under this section shall issue a  
7 proposal for decision on fees proposed by the commission not later  
8 than the first anniversary of the date the State Office of  
9 Administrative Hearings assumes jurisdiction of the case.]~~

10 SECTION 6. Section 401.2455, Health and Safety Code, is  
11 amended by deleting subsection (b) as follows:

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

18 SECTION 7. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2013.