

By: Seliger

S.B. No. 1137

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the Texas Low-Level Radioactive Waste Disposal Compact
3 waste disposal facility.

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

5 SECTION 1. Section 401.053, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 401.053. CLASSIFICATION SYSTEM FOR LOW-LEVEL
8 RADIOACTIVE WASTE. The department shall use the [~~may establish a~~
9 classification system for low-level radioactive waste that is
10 established by the federal commission [~~based on radiological,~~
11 ~~chemical, and biological characteristics and on physical state~~] so
12 that low-level radioactive waste can be managed safely and
13 compatibly.

14 SECTION 2. Section 401.207, Health and Safety Code, is
15 amended by amending Subsections (e), and (e-2) and adding
16 Subsection (1) to read as follows:

17 (e) The compact waste disposal facility license holder may
18 not collect a fee under this section or enter into a contract for
19 the disposal of nonparty low-level radioactive waste that has been
20 designated as Class A low-level radioactive waste under 10 C.F.R.
21 Section 61.55 and commission rule unless the waste is
22 containerized. The compact waste disposal facility license holder
23 may, before September 1, 2027, collect a fee for and dispose of
24 nonparty compact radioactive waste in an amount not to exceed:

1 (1) 2.75 million curies; or

2 (2) an amount greater than the amount under
3 Subdivision (1) as specified by the license holder if the Texas
4 Low-Level Radioactive Waste Disposal Compact Commission determines
5 that the license holder has shown good cause for the greater amount,
6 considering:

7 (A) the existing limits in the facility license,
8 including radioactivity and volume limits in curies and cubic feet;

9 (B) the as-built disposal capacity available in
10 the facility to party state generators;

11 (C) any expansion of the facility's disposal
12 capacity that is actively under construction;

13 (D) the potential effects of the proposed limit
14 increase on the performance assessment of the facility;

15 (E) the potential effects of the proposed limit
16 increase on the health and safety of the employees; and

17 (F) any other factor considered relevant by the
18 Texas Low-Level Radioactive Waste Disposal Compact Commission~~[-~~

19 ~~[(1) not more than the greater of:~~

20 ~~[(A) 1.167 million curies of nonparty compact~~
21 ~~waste; or~~

22 ~~[(B) an amount of nonparty compact waste equal to~~
23 ~~30 percent of the initial licensed capacity of the facility; and~~

24 ~~[(2) not more than 275,000 curies of nonparty compact~~
25 ~~waste in any fiscal year].~~

26 (e-2) The commission's executive director, on completion of
27 a ~~[the]~~ study under Section 401.208, may prohibit the license holder

1 from accepting any additional nonparty compact waste if the
2 commission determines from the study that the capacity of the
3 facility will be limited, regardless of whether the limit under
4 Subsection (e) [~~(f)~~] has been reached.

5 (1) This section does not restrict or alter the authority of
6 the Texas Low-Level Radioactive Waste Disposal Compact Commission
7 under this chapter or Chapter 403 to approve the importation of
8 nonparty compact waste to this state.

9 SECTION 3. Sections 401.208(a), (c), and (e), Health and
10 Safety Code, are amended to read as follows:

11 (a) At least once every four years, the [The] commission
12 shall conduct a study on the available volume and curie capacity of
13 the compact waste disposal facility for the disposal of party state
14 compact waste and nonparty compact waste.

15 (c) The [~~Not later than December 1, 2016, the~~] commission
16 shall submit a final report of the results of the study to the
17 standing committees of the senate and the house of representatives
18 with jurisdiction over the disposal of low-level radioactive waste.

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

22 SECTION 4. Section 401.216(a), Health and Safety Code, is
23 amended to read as follows:

24 (a) [~~The commission may license the compact waste disposal~~
25 ~~facility license holder to dispose of federal facility waste.~~] The
26 commission may license federal facility waste disposal only at a
27 separate and distinct facility that is operated exclusively for the

1 disposal of federal facility waste and that is adjacent to the
2 compact waste disposal facility.

3 SECTION 5. Chapter 403, Health and Safety Code, is amended
4 by adding Section 403.0056 to read as follows:

5 Sec. 403.0056. COMPACT FACILITY CAPACITY. (a) In this
6 section, "compact facility," "generator," "operator," and "party
7 state" have the meanings assigned by Section 2.01, Texas Low-Level
8 Radioactive Waste Disposal Compact (Section 403.006 of this code).

9 (b) The operator shall reserve disposal capacity in the
10 amounts of four million cubic feet and three million curies for
11 party state compact waste. The reserved capacity and curies are
12 immediately set aside for party state compact waste. The commission
13 and the Texas Commission on Environmental Quality shall ensure
14 that:

15 (1) the reservation is maintained until the completion
16 of decommissioning of all of the nuclear electric generation
17 facilities in the party states; and

18 (2) 20 percent of the volume and curie capacity
19 reserved for party states is allotted to compact waste generated in
20 Vermont.

21 (c) For the purposes of operator licensing decisions based
22 on storage capacity, the Texas Commission on Environmental Quality
23 shall consider the disposal capacity reserved for party state
24 compact waster under Subsection (b) as disposed.

25 (d) When the compact facility reaches 90 percent of its
26 as-built disposal capacity as measured by volume or curie, the
27 operator shall discontinue accepting waste from nonparty states

1 until:

2 (1) construction is completed on a new disposal cell
3 that provides a least an additional one million cubic feet of
4 airspace capacity, as certified and stamped by an individual
5 licensed as an engineer under Chapter 1001, Occupations Code; or

6 (2) the operator executes a performance bond or other
7 instrument of financial assurance determined to be acceptable by
8 the Texas Commission on Environmental Quality that is conditioned
9 on the completion of a new disposal cell at the compact facility.

10 SECTION 6. The following sections of the Health and Safety
11 Code are repealed:

- 12 (1) Section 401.005;
13 (3) Sections 401.207(d-1), (d-2), (d-3), and (f);
14 (4) Sections 401.216(b), (c), and (e); and
15 (5) Section 401.2455.

16 SECTION 7. The Texas Commission on Environmental Quality
17 shall submit the first report required under Section 401.208,
18 Health and Safety Code, as amended by this Act, not later than
19 December 1, 2020.

20 SECTION 8. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2017.