

BILL ANALYSIS

Senate Research Center

H.B. 7
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Natural Resources & Economic Development
8/31/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised that a facility in Texas may be used for the interim storage of high-level radioactive waste including spent nuclear fuel. H.B. 7 proposes to address these concerns by prohibiting the disposal or storage of high-level radioactive waste in Texas, with certain exceptions.

H.B. 7 amends current law relating to the storage or disposal of high-level radioactive waste.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 401.003, Health and Safety Code, by adding Subdivision (12-b) to define "high-level radioactive waste" for Chapter 401 (Radioactive Materials and Other Sources of Radiation).

SECTION 2. Amends Section 401.0525, Health and Safety Code, by adding Subsection (c), as follows:

(c) Prohibits the Texas Commission on Environmental Quality, with the exception of a permit for a facility located at the site of currently or formerly operating nuclear power reactors and currently or formerly operating nuclear research and test reactors operated by a university, from, under the authority given to the agency under Section 301, 304, or 401 of the Clean Water Act (33 U.S.C. Sections 1311, 1314, and 1341), issuing a general construction permit or approving a Stormwater Pollution Prevention Plan under Section 26.040 (General Permits), Water Code, or issuing a permit under the Texas Pollutant Discharge Elimination System Program under Section 26.027 (Commission May Issue Permits), 26.028 (Action on Application), or 26.121 (Unauthorized Discharges Prohibited), Water Code, for the construction or operation of a facility that is licensed for the storage of high-level radioactive waste by the United States Nuclear Regulatory Commission under 10 C.F.R. Part 72. Provides that Section 401.005 (Code of Federal Regulations References) does not apply to this subsection.

SECTION 3. Amends Subchapter C, Chapter 401, Health and Safety Code, by adding Section 401.072, as follows:

Sec. 401.072. DISPOSAL OR STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE. Prohibits a person, including the compact waste disposal facility license holder, with the exception of storage at the site of currently or formerly operating nuclear power reactors and currently or formerly operating nuclear research and test reactors operated by a university, from disposing of or storing high-level radioactive waste in this state.

SECTION 4. Makes application of Section 401.0525(c), Health and Safety Code, as added by this Act, prospective.

SECTION 5. Severability clause.

SECTION 6. Effective date: upon passage or the 91st day after the last day of the legislative session.