

AN ACT

relating to the storage or disposal of high-level radioactive waste.

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

SECTION 1. Section 401.003, Health and Safety Code, is amended by adding Subdivision (12-b) to read as follows:

(12-b) "High-level radioactive waste" has the meaning assigned by 42 U.S.C. Section 10101(12) and includes spent nuclear fuel as defined by 42 U.S.C. Section 10101(23).

SECTION 2. Section 401.0525, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) 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, the commission may not 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) issue a general construction permit or approve a Stormwater Pollution Prevention Plan under Section 26.040, Water Code, or issue a permit under the Texas Pollutant Discharge Elimination System Program under Section 26.027, 26.028, or 26.121, 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. Section

1 401.005 does not apply to this subsection.

2 SECTION 3. Subchapter C, Chapter 401, Health and Safety
3 Code, is amended by adding Section 401.072 to read as follows:

4 Sec. 401.072. DISPOSAL OR STORAGE OF HIGH-LEVEL RADIOACTIVE
5 WASTE. With the exception of storage at the site of currently or
6 formerly operating nuclear power reactors and currently or formerly
7 operating nuclear research and test reactors operated by a
8 university, a person, including the compact waste disposal facility
9 license holder, may not dispose of or store high-level radioactive
10 waste in this state.

11 SECTION 4. Section 401.0525(c), Health and Safety Code, as
12 added by this Act, applies only to an application for a permit or
13 permit amendment submitted on or after the effective date of this
14 Act.

15 SECTION 5. If any provision of this Act or its application
16 to any person or circumstance is held invalid, the invalidity does
17 not affect other provisions or applications of this Act that can be
18 given effect without the invalid provision or application, and to
19 this end the provisions of this Act are declared to be severable.

20 SECTION 6. 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 December 5, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 7 was passed by the House on August 30, 2021, by the following vote: Yeas 94, Nays 32, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 7 on September 2, 2021, by the following vote: Yeas 119, Nays 3, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 7 was passed by the Senate, with amendments, on September 1, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor