

By: Landgraf

H.B. No. 7

A BILL TO BE ENTITLED

AN ACT

relating to the transportation, 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 located on university campuses, 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 Sections 401.072 and 401.073 to read as
4 follows:

5 Sec. 401.072. TRANSPORTATION OF HIGH-LEVEL RADIOACTIVE
6 WASTE. A person may not transport, or arrange for the
7 transportation of, high-level radioactive waste on the highways or
8 railways in this state.

9 Sec. 401.073. DISPOSAL OR STORAGE OF HIGH-LEVEL RADIOACTIVE
10 WASTE. With the exception of storage at the site of currently or
11 formerly operating nuclear power reactors and currently or formerly
12 operating nuclear research and test reactors located on university
13 campuses, a person, including the compact waste disposal facility
14 license holder, may not dispose of or store high-level radioactive
15 waste in this state.

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

20 SECTION 5. If any provision of this Act or its application
21 to any person or circumstance is held invalid, the invalidity does
22 not affect other provisions or applications of this Act that can be
23 given effect without the invalid provision or application, and to
24 this end the provisions of this Act are declared to be severable.

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect on the 91st day after the last day of the
3 legislative session.