

1-1 By: Landgraf, Dominguez (Senate Sponsor - Birdwell) H.B. No. 7  
 1-2 (In the Senate - Received from the House August 30, 2021;  
 1-3 August 31, 2021, read first time and referred to Committee on  
 1-4 Natural Resources & Economic Development; September 1, 2021,  
 1-5 reported favorably by the following vote: Yeas 6, Nays 1;  
 1-6 September 1, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16			X	
1-17	X			

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the storage or disposal of high-level radioactive  
 1-21 waste.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 401.003, Health and Safety Code, is  
 1-24 amended by adding Subdivision (12-b) to read as follows:

1-25 (12-b) "High-level radioactive waste" has the meaning  
 1-26 assigned by 42 U.S.C. Section 10101(12) and includes spent nuclear  
 1-27 fuel as defined by 42 U.S.C. Section 10101(23).

1-28 SECTION 2. Section 401.0525, Health and Safety Code, is  
 1-29 amended by adding Subsection (c) to read as follows:

1-30 (c) With the exception of a permit for a facility located at  
 1-31 the site of currently or formerly operating nuclear power reactors  
 1-32 and currently or formerly operating nuclear research and test  
 1-33 reactors operated by a university, the commission may not under the  
 1-34 authority given to the agency under Section 301, 304, or 401 of the  
 1-35 Clean Water Act (33 U.S.C. Sections 1311, 1314, and 1341) issue a  
 1-36 general construction permit or approve a Stormwater Pollution  
 1-37 Prevention Plan under Section 26.040, Water Code, or issue a permit  
 1-38 under the Texas Pollutant Discharge Elimination System Program  
 1-39 under Section 26.027, 26.028, or 26.121, Water Code, for the  
 1-40 construction or operation of a facility that is licensed for the  
 1-41 storage of high-level radioactive waste by the United States  
 1-42 Nuclear Regulatory Commission under 10 C.F.R. Part 72. Section  
 1-43 401.005 does not apply to this subsection.

1-44 SECTION 3. Subchapter C, Chapter 401, Health and Safety  
 1-45 Code, is amended by adding Section 401.072 to read as follows:

1-46 Sec. 401.072. DISPOSAL OR STORAGE OF HIGH-LEVEL RADIOACTIVE  
 1-47 WASTE. With the exception of storage at the site of currently or  
 1-48 formerly operating nuclear power reactors and currently or formerly  
 1-49 operating nuclear research and test reactors operated by a  
 1-50 university, a person, including the compact waste disposal facility  
 1-51 license holder, may not dispose of or store high-level radioactive  
 1-52 waste in this state.

1-53 SECTION 4. Section 401.0525(c), Health and Safety Code, as  
 1-54 added by this Act, applies only to an application for a permit or  
 1-55 permit amendment submitted on or after the effective date of this  
 1-56 Act.

1-57 SECTION 5. If any provision of this Act or its application  
 1-58 to any person or circumstance is held invalid, the invalidity does  
 1-59 not affect other provisions or applications of this Act that can be  
 1-60 given effect without the invalid provision or application, and to  
 1-61 this end the provisions of this Act are declared to be severable.

2-1 SECTION 6. This Act takes effect immediately if it receives  
2-2 a vote of two-thirds of all the members elected to each house, as  
2-3 provided by Section 39, Article III, Texas Constitution. If this  
2-4 Act does not receive the vote necessary for immediate effect, this  
2-5 Act takes effect on the 91st day after the last day of the  
2-6 legislative session.

2-7

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