

BILL ANALYSIS

Senate Research Center

H.B. 4112
By: Landgraf (Birdwell)
Natural Resources
5/20/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 87th Legislature, Second Called Session, 2021, enacted H.B. 7 which prohibited the disposal and storage of high-level radioactive waste in Texas, with exceptions for on-site storage at the site of currently or formerly operating nuclear power reactors and university-operated nuclear research and test reactors. H.B. 4112 seeks to revise those statutory provisions by explicitly clarifying that all past, currently operational, and future nuclear power reactors and university-operated nuclear research and test reactors are exempt from the restrictions on high-level radioactive waste storage.

H.B. 4112 amends current law relating to the disposal or storage 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 401.0525, Health and Safety Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Prohibits the Texas Commission on Environmental Quality (TCEQ), with the exception of a permit for a facility located at the site of nuclear power reactors and nuclear research and test reactors, rather than currently or formerly operating nuclear power reactors and currently or formerly operating nuclear research and test reactors, operated by a university in accordance with Subsection (d), from 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) from 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 certain provisions of the Water Code, for the construction or operation of a facility that is licensed for the disposal or storage of high-level radioactive waste by the United States Nuclear Regulatory Commission under 10 C.F.R. Part 72.

(d) Provides that a facility permitted under the exception provided by Subsection (c) is authorized to store high-level radioactive waste only at the nuclear power reactor or nuclear research and test reactor operated by a university at which the waste originated.

SECTION 2. Amends Section 401.072, Health and Safety Code, as follows:

Sec. 401.072. DISPOSAL OR STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE.

(a) Creates this subsection from existing text. Prohibits a person, with the exception of storage at the site of nuclear power reactors and nuclear research and test reactors, rather than currently or formerly operating nuclear power reactors and currently or formerly operating nuclear research and test reactors, operated by a university in accordance with Subsection (b), including the compact waste disposal facility license holder, from disposing of or storing high-level radioactive waste in this state.

(b) Provides that a facility permitted under the exception provided by Subsection (a) is authorized to store high-level radioactive waste only at the nuclear power reactor or nuclear research and test reactor operated by a university at which the waste originated.

SECTION 3. Effective date: September 1, 2025.