



FLOOR AMENDMENT NO. _____

BY: DARBY

Amend S.B. No. 347 (House committee printing) as follows:

(1) On page 1, line 6, between "by" and "adding", insert "amending Subsection (e) and".

(2) On page 1, between lines 6 and 7, insert the following:

(e) The commission may transfer money from the low-level radioactive waste fund to the perpetual care account to make payments required by the commission under Section 401.303. The commission shall notify the Texas Low-Level Radioactive Waste Disposal Compact Commission of an action the commission takes under this subsection.

(3) Add the following appropriately numbered SECTIONS and renumber any subsequent SECTIONS accordingly:

SECTION _____. Section 401.207, Health and Safety Code, is amended by adding Subsections (d-1), (d-2), (d-3), (e-1) and (e-2) and amending Subsection (e) to read as follows:

(d-1) Beginning September 1, 2015, the compact waste disposal facility license holder may accept nonparty compact waste for disposal at the facility only if:

(1) the waste has been volume-reduced, if eligible, by at least a factor of three in a manner consistent with this subchapter as provided by commission rule; and

(2) the compact waste disposal facility license holder collects a fee under Section 401.249(f).

(d-2) If volume reduction of a low-level radioactive waste stream would result in a change of waste classification to a class higher than Class C, the payment of the fee and compliance with other requirements of Subsection (d-1) do not apply.

(d-3) The commission may assess an additional fee on a

nonparty compact waste generator for failing to comply with the
volume reduction requirements established under this section.
The fee shall be deposited to the credit of the low-level
radioactive waste fund under Section 401.249(f). Fees deposited
under this subsection may be transferred and used only to
support the operations of the Texas Low-Level Radioactive Waste
Disposal Compact Commission under Section 401.251.

(e) The compact waste disposal facility license holder may
not collect a fee under this section or enter into a contract
for the disposal of nonparty low-level radioactive waste that
has been designated as Class A low-level radioactive waste under
10 C.F.R. Section 61.55 and commission rule unless the waste is
containerized. The compact waste disposal facility license
holder may collect a fee and dispose of:

(1) not more than the greater of:

(A) 1.167 million curies of nonparty compact
waste; or

(B) an amount of nonparty compact waste equal to
30 percent of the initial licensed capacity of the facility; and

(2) not more than 275,000 curies of nonparty compact
waste in any fiscal year ~~[accept more than 50,000 total cubic~~
~~feet of nonparty compact waste annually. The compact waste~~
~~disposal facility license holder may not accept more than~~
~~120,000 curies of nonparty compact waste annually, except that~~
~~in the first year the license holder may accept 220,000~~
~~curies].~~

(e-1) The legislature by general law may establish revised
limits under Subsection (e) after considering the results of the
study under Section 401.208.

(e-2) ~~[(e-1)]~~ The commission's executive director, on
completion of the study under Section 401.208, may prohibit the

1 license holder from accepting any additional nonparty compact
2 waste if the commission determines from the study that the
3 capacity of the facility will be limited, regardless of whether
4 the limit under Subsection (f) has been reached.

5 SECTION _____. Section 401.218, Health and Safety Code, is
6 amended by adding Subsections (d) and (e) to read as follows:

7 (d) In addition to the fees charged to support the
8 operations of the Texas Low-Level Radioactive Waste Disposal
9 Compact Commission, the commission's executive director may
10 charge a license holder a fee to cover the administrative costs
11 of the executive director's action to adjust, correct, or
12 otherwise modify a license.

13 SECTION _____. The changes in law made by this Act apply
14 only to a contract for the disposal of compact waste or nonparty
15 compact waste that is signed on or after the effective date of
16 this Act. A contract signed before the effective date of this
17 Act is governed by the law in effect on the date the contract
18 was signed, and the former law is continued in effect for that
19 purpose.