

1-1 By: Seliger, Birdwell S.B. No. 1021
 1-2 (In the Senate - Filed February 22, 2019; March 7, 2019,
 1-3 read first time and referred to Committee on Natural Resources &
 1-4 Economic Development; April 8, 2019, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 7,
 1-6 Nays 2; April 8, 2019, 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	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1021 By: Zaffirini

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the operations of the Texas Low-Level Radioactive Waste
 1-24 Disposal Compact waste disposal facility.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter F, Chapter 401, Health and Safety
 1-27 Code, is amended by adding Sections 401.2065 and 401.2066 to read as
 1-28 follows:

1-29 Sec. 401.2065. RESERVED CAPACITY FOR PARTY STATE WASTE.

1-30 (a) The following are reserved for the exclusive use of party
 1-31 state compact waste disposal in the compact waste disposal
 1-32 facility:

1-33 (1) the greater of:
 1-34 (A) three million total cubic feet; or
 1-35 (B) the required volume identified by the
 1-36 commission under Section 401.208; and

1-37 (2) the greater of:
 1-38 (A) two million total curies; or
 1-39 (B) the required curie capacity identified by the
 1-40 commission under Section 401.208.

1-41 (b) Of the reserved volume and curie capacity described by
 1-42 Subsection (a):

1-43 (1) 80 percent is reserved for compact waste generated
 1-44 in the host state; and

1-45 (2) 20 percent is reserved for compact waste generated
 1-46 in nonhost party states.

1-47 Sec. 401.2066. CORRECTION FOR DECAY IN DETERMINING
 1-48 CAPACITY. The commission shall correct for radioactive decay in
 1-49 determining licensed disposal curie capacity in a compact waste
 1-50 disposal facility under this subchapter.

1-51 SECTION 2. Sections 401.207(e-2) and (g), Health and Safety
 1-52 Code, are amended to read as follows:

1-53 (e-2) The commission's executive director, on completion of
 1-54 the study under Section 401.208, may prohibit the license holder
 1-55 from accepting any additional nonparty compact waste if the
 1-56 commission determines from the study that the capacity of the
 1-57 facility will be limited, regardless of whether the facility has
 1-58 the constructed capacity required by Section 401.2075(a) [limit
 1-59 under Subsection (f) has been reached].

1-60 (g) The commission shall assess a surcharge for the disposal

2-1 of nonparty compact waste at the compact waste disposal facility.
2-2 The surcharge is five [~~20~~] percent of the total contracted rate
2-3 under Section 401.2456 and must be assessed in addition to the total
2-4 contracted rate under that section.

2-5 SECTION 3. Subchapter F, Chapter 401, Health and Safety
2-6 Code, is amended by adding Section 401.2075 to read as follows:

2-7 Sec. 401.2075. LIMITATION ON NONPARTY COMPACT WASTE.

2-8 (a) The compact waste disposal facility license holder may accept
2-9 nonparty compact waste at the facility only if:

2-10 (1) the waste is authorized by the compact commission;
2-11 and

2-12 (2) the facility has not less than three years' worth
2-13 of constructed capacity based on the average amount of party state
2-14 compact waste disposed in the preceding five years, not including:

2-15 (A) low-level radioactive waste from
2-16 decommissioned nuclear electric generation facilities;

2-17 (B) oversized low-level radioactive waste
2-18 components; or

2-19 (C) low-level radioactive waste from
2-20 nonrecurring events.

2-21 (b) If a compact waste disposal facility does not have
2-22 sufficient constructed capacity as described by Subsection (a), in
2-23 order to be permitted to accept nonparty compact waste, the compact
2-24 waste disposal facility license holder must:

2-25 (1) add constructed capacity sufficient to meet the
2-26 requirements of Subsection (a); or

2-27 (2) file and have approved by the commission a
2-28 performance bond acceptable to the commission conditioned on the
2-29 construction of additional constructed capacity sufficient to meet
2-30 the requirements of Subsection (a).

2-31 (c) If a nuclear electric generation facility in a party
2-32 state has notified the federal commission that the facility will be
2-33 decommissioned, and the time-phased decommissioning schedule and
2-34 the Post-Shutdown Decommissioning Activities Report indicate that
2-35 low-level radioactive waste is to be disposed of at the compact
2-36 waste disposal facility, the compact waste disposal facility
2-37 license holder must have constructed adequate disposal capacity at
2-38 the time of the disposal of waste from the decommissioning.

2-39 (d) The compact waste disposal facility license holder must
2-40 obtain an amendment to the facility operating license to increase
2-41 the allowable curie capacity by two million curies when the compact
2-42 waste disposal facility has reached 80 percent of the total curies
2-43 for which the facility is licensed.

2-44 SECTION 4. Subchapter F, Chapter 401, Health and Safety
2-45 Code, is amended by adding Section 401.2465 to read as follows:

2-46 Sec. 401.2465. WASTE DISPOSAL FEE COMPARISON. (a) The
2-47 compact waste disposal facility license holder shall conduct and
2-48 provide to the commission an annual comparison of party state and
2-49 nonparty state compact waste disposal fees. The comparison:

2-50 (1) must include:

2-51 (A) the total invoiced compact waste disposal
2-52 fees;

2-53 (B) the total volume of compact waste disposed;
2-54 and

2-55 (C) an average disposal fee calculated by
2-56 dividing the total invoiced compact waste disposal fees by the
2-57 total volume of compact waste disposed; and

2-58 (2) may not include information regarding disposal
2-59 fees or disposal volume for:

2-60 (A) low-level radioactive waste from
2-61 decommissioned nuclear electric generation facilities;

2-62 (B) oversized low-level radioactive waste
2-63 components; or

2-64 (C) low-level radioactive waste from
2-65 nonrecurring events.

2-66 (b) If the average compact waste disposal fee charged to
2-67 party state generators exceeds the average compact waste disposal
2-68 fee charged to nonparty state generators, the compact waste
2-69 disposal facility license holder must issue a rebate for the

3-1 preceding year's fees to the party state generators in an amount
3-2 sufficient to reduce the average compact waste disposal fee charged
3-3 to party state generators after the rebate to \$1 less than the
3-4 average compact waste disposal fee charged to nonparty state
3-5 generators.

3-6 (c) The compact waste disposal facility license holder
3-7 shall allocate the rebate issued under Subsection (b) according to
3-8 the fractional amount of the total compact waste disposal fees paid
3-9 by each generator based on the compact waste disposal facility
3-10 license holder's records for the preceding year.

3-11 (d) Not more often than once per year, on written request of
3-12 a nuclear electric generation utility operating in a party state,
3-13 the compact waste disposal facility license holder shall:

3-14 (1) retain an independent auditor, who must be
3-15 approved by the compact waste disposal facility license holder and
3-16 the utility making the request, to evaluate the computation of the
3-17 average compact waste disposal fee and rebate described by this
3-18 section; and

3-19 (2) not later than the 30th day after the date the
3-20 license holder receives the final audit report, make a copy of the
3-21 report available to the requesting utility, the governor, the
3-22 lieutenant governor, the speaker of the house of representatives,
3-23 and each standing committee of the legislature with jurisdiction
3-24 over environmental matters.

3-25 SECTION 5. Sections 401.271(a) and (b), Health and Safety
3-26 Code, are amended to read as follows:

3-27 (a) A holder of a license issued by the commission under
3-28 this chapter that authorizes the disposal of a radioactive
3-29 substance from other persons shall remit each quarter an amount
3-30 equal to five ~~10~~ percent of the license holder's gross receipts
3-31 received from disposal operations under the ~~[a]~~ license ~~[issued~~
3-32 ~~under this chapter that occur after the effective date of the Act~~
3-33 ~~enacting this section as follows:~~

3-34 ~~[(1) five percent shall be remitted to the comptroller~~
3-35 ~~for deposit to the credit of the general revenue fund; and~~

3-36 ~~[(2) five percent shall be remitted]~~ to the host
3-37 county in accordance with Sections 401.244(b) and (d).

3-38 (b) Subsection (a) does not apply to ~~[compact waste or~~
3-39 ~~federal facility waste as defined by Section 401.2005 or]~~
3-40 industrial solid waste as defined by Section 361.003.

3-41 SECTION 6. The following provisions of the Health and
3-42 Safety Code are repealed:

3-43 (1) Sections 401.207(d-1), (d-2), (d-3), (e), (e-1),
3-44 (f), and (h-1);

3-45 (2) Section 401.2445; and

3-46 (3) Sections 401.2456(b), (c), (d), and (e).

3-47 SECTION 7. This Act takes effect September 1, 2019.

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