1-4	2 (In the Senate - Filed February 22, 2019 3 read first time and referred to Committee on Na 4 Economic Development; April 8, 2019, reported 5 favorable Committee Substitute by the followin	tural Resources & adversely, with
1-7	7 COMMITTEE VOTE	
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1-20	0 COMMITTEE SUBSTITUTE FOR S.B. No. 1021	By: Zaffirini
1-21 1-22		
1-23	3 relating to the operations of the Texas Low-Level	Radioactive Waste
1-24	4 Disposal Compact waste disposal facility.	
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1-28	8 follows.	
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1-29 1-30	9 <u>Sec. 401.2065. RESERVED CAPACITY FOR PA</u> 0 <u>(a) The following are reserved for the exclus</u>	RTY STATE WASTE. ive use of party
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C.S.S.B. No. 1021 of nonparty compact waste at the compact waste disposal facility. 2-1 The surcharge is five $[\frac{20}{2456}]$ percent of the total contracted rate under Section 401.2456 and must be assessed in addition to the total 2-2 2-3 2-4 contracted rate under that section. 2**-**5 2**-**6 SECTION 3. Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Section 401.2075 to read as follows: Sec. 401.2075. LIMITATION 2-7 ON NONPARTY COMPACT WASTE. 2-8 The compact waste disposal facility license holder may accept (a) 2-9 nonparty compact waste at the facility only if: 2**-**10 2**-**11 the waste is authorized by the compact commission; (1)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 2**-**16 low-level radioactive (A) waste from decommissioned nuclear electric generation facilities; 2-17 (B) radioactive oversized low-level waste 2-18 components; or 2-19 (C) low-level radioactive waste from 2-20 2-21 nonrecurring events. If a compact waste disposal facility does not (b) 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 2**-**26 add constructed capacity sufficient to meet the (1)<u>requiremen</u>ts of Subsection (a); or 2-27 (2) file and have approved by the commission а 2-28 performance bond acceptable to the commission conditioned on the 2-29 construction of additional constructed capacity sufficient to meet the requirements of Subsection (a). 2-30 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 low-level radioactive waste is to be disposed of at the compact waste disposal facility, the compact waste disposal facility 2-35 2-36 2-37 license holder must have constructed adequate disposal capacity at the time of the disposal of waste from the decommissioning. 2-38 (d) The compact waste disposal facility license holder must obtain an amendment to the facility operating license to increase the allowable curie capacity by two million curies when the compact 2-39 2-40 2-41 waste disposal facility has reached 80 percent of the total curies 2-42 2-43 for which the facility is licensed. SECTION 4. Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Section 401.2465 to read as follows: 2-44 2-45 2-46 Sec. 401.2465. WASTE DISPOSAL FEE COMPARISON. The (a) compact waste disposal facility license holder shall conduct and 2-47 2-48 provide to the commission an annual comparison of party state and 2-49 nonparty state compact waste disposal fees. The comparison: must include: 2-50 (1)2-51 (A) the total invoiced compact waste disposal 2-52 fees; 2-53 the total volume of compact waste disposed; (B) 2-54 and 2-55 (C) disposal fee by an average calculated 2-56 total invoiced compact waste disposal fees by the <u>dividing th</u>e 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 nonrecurring events. 2-65 2-66 (b) If the average compact waste disposal fee <u>charged</u> to 2-67 party state generators exceeds the average compact waste disposal fee charged to nonparty state generators, the compact waste disposal facility license holder must issue a rebate for the 2-68 2-69

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	preceding year's fees to the party state generators in an amount
	sufficient to reduce the average compact waste disposal fee charged
	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

3-6 3-7 rne compact waste disposal racility license notaer 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 <u>license holder's records for the preceding year.</u> (d) Not more often than once per year, on written request of 3-10 3-11

3-12 nuclear electric generation utility operating in a party state, the compact waste disposal facility license holder shall: 3-13

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

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

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

3-27 (a) A holder of a license issued by the commission under this chapter that authorizes the disposal of a radioactive substance from other persons shall remit each quarter an amount equal to <u>five</u> [10] percent of the license holder's gross receipts received from disposal operations under the [$\frac{1}{2}$] license [$\frac{1}{1}$] 3-28 3-29 3-30 3-31 under this chapter that occur after the effective date of the Act 3-32 enacting this section as follows: 3-33

[(1) five percent shall be remitted to the comptroller to the credit of the general revenue fund; and [(2) five percent shall be remitted] to the host 3-34 3-35 for deposit

3-36 county in accordance with Sections 401.244(b) and (d). 3-37

(b) Subsection (a) does not apply to [compact waste or federal facility waste as defined by Section 401.2005 or] 3-38 3-39 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 Sections 401.207(d-1), (d-2), (d-3), (e), (e-1), (1)3-44 (f), and (h-1); 3-45

(2) Section 401.2445; and (3) Sections 401.2456(b), (c), (d), and (e).

3-46 3-47 SECTION 7. This Act takes effect September 1, 2019.

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