

AMENDMENTS to SB 791 – Radioactive Waste Bill

(Strama?)

#1 Prohibit Radioactive Waste Storage or Disposal if Standing Water is Present

Floor Amendment No. _____ By _____

Amend SB 791 as follows:

Amend SB 791 by adding a new section 13 to the bill and re-numbering subsequent accordingly:

Section 13

Amend Sec. 401.0525. GROUNDWATER PROTECTION STANDARDS. (a) The commission shall adopt and enforce groundwater protection standards compatible with federal standards adopted under the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.).

(b) In adopting any standards relating to nonradioactive constituents the commission shall consider the compatibility of those standards with the commission's groundwater protection standards adopted under other programs

(c) The commission shall prohibit the compact waste disposal facility license holder from placing low- level radioactive waste from being placed anywhere in a storage or disposal unit that contains more than half an inch of standing water for more than 48 hours or if groundwater monitoring wells show the presence of water within the boundaries of the site or within the buffer zone

(_____)

#2 Require random audits to assure that we're not getting waste too hot to handle

Floor Amendment No. _____

By _____

Amend SB 791 as follows:

Amend section 5 of SB 791 on line 9 by adding the following

(f The commission, ~~through the agency's internal audit,~~
shall ~~conduct~~ contract with the state auditors office to perform random audits
of shipments to the site to ensure that volumes, waste contents, and
classifications are represented accurately. The commission shall report these
findings to the legislature in the biennial report.

(Menendez?)

#3 Require radioactive waste routes to be designated in accordance with federal law

Floor Amendment No. _____ By _____

Amend SB 791 as follows:

SECTION 1. Subsection (d) Section 401.052, Health and Safety Code, as amended by Chapters 580 (H.B. 1678) and 1067 (H.B.1567), Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows by adding a new section 4 and renumbering accordingly

Sec. 401.052.(D)

(4) The department, in consultation with the Texas Department of Transportation, shall designate, in accordance with federal law, designated routes for the transportation of class B and C low-level radioactive materials in Texas by September 1, 2014.

he board shall adopt rules for routing these wastes that consider congestion and concentrations of population and are at least as restrictive as those that provide for transportation and routing of radioactive material and waste in this state as hazardous wastes

4 Set Capacity Limits

Floor Amendment No. _____ By _____

Amend SB 791 as follows:

Amend Section 4 subsection (e) on page 4 at line 25 by adding the following:

Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Section 401.2075 to read as follows:

(e) The compact waste disposal facility license holder may not 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 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) Notwithstanding Sections 401.207(e) and 401.248(b)(1), a license granted under this subchapter may not allow the disposal of low-level radioactive waste at the Compact Facility from all sources that exceeds:

(1) 2.31 million cubic feet; or

11 pm version

(2) 3.89 million curies.

(Anchia?)

#5 Eliminate Executive Director Authority to Change the Radioactive Waste License Without a Hearing

Floor Amendment No. _____

By _____

Amend SB 791 as follows:

Amend SB 791 by SECTION 6. Section 401.218, Health and Safety Code Subsection (d) on page 5 at line 21 to read as follows:

(d) The commission 's executive director may adjust, correct, or otherwise modify license condition 143 on completion of an annual performance assessment. A modification by the executive director to a license regarding a waste form, type, or stream must be based on a site-specific performance assessment and objectives as defined by commission rule and must be processed as a ~~minor~~ major amendment.