

AN ACT

relating to granting, renewing, or amending a license or registration under the Texas Radiation Control Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 401.110, Health and Safety Code, is amended to read as follows:

Sec. 401.110. DETERMINATION ON LICENSE. (a) In making a determination whether to grant, deny, amend, renew, revoke, suspend, or restrict a license or registration, the commission may consider an applicant's or license holder's technical competence, financial qualifications, and compliance history under the method for evaluation of compliance history developed by the commission under Section 5.754, Water Code.

(b) In making a determination whether to grant, deny, amend, renew, revoke, suspend, or restrict a license or registration, the department may consider the technical competence, financial qualifications, and compliance history of an applicant, license holder, or registration holder. After an opportunity for a hearing, the department shall deny an application for a license or registration, license or registration amendment, or license or registration renewal if the applicant's compliance history reveals a recurring pattern of conduct that demonstrates a consistent disregard for the regulatory process through significant violations of this chapter or the department's rules adopted under

1 this chapter.

2 SECTION 2. Section 401.112(a), Health and Safety Code, is  
3 amended to read as follows:

4 (a) The department or commission, within its jurisdiction,  
5 in making a licensing decision on a specific license application to  
6 process or dispose of low-level radioactive waste from other  
7 persons, shall consider:

8 (1) site suitability, geological, hydrological, and  
9 meteorological factors, and natural hazards;

10 (2) compatibility with present uses of land near the  
11 site;

12 (3) socioeconomic effects on surrounding communities  
13 of operation of the licensed activity and of associated  
14 transportation of low-level radioactive waste;

15 (4) the need for and alternatives to the proposed  
16 activity, including an alternative siting analysis prepared by the  
17 applicant;

18 (5) the applicant's qualifications, including  
19 financial and technical qualifications and compliance history  
20 under the method for evaluation of compliance history developed by  
21 the commission under Section 5.754, Water Code, for an application  
22 to the commission or the requirements of Section 401.110(b) for an  
23 application to the department;

24 (6) background monitoring plans for the proposed site;

25 (7) suitability of facilities associated with the  
26 proposed activities;

27 (8) chemical, radiological, and biological

1 characteristics of the low-level radioactive waste and waste  
2 classification under Section 401.053;

3 (9) adequate insurance of the applicant to cover  
4 potential injury to any property or person, including potential  
5 injury from risks relating to transportation;

6 (10) training programs for the applicant's employees;

7 (11) a monitoring, record-keeping, and reporting  
8 program;

9 (12) spill detection and cleanup plans for the  
10 licensed site and related to associated transportation of low-level  
11 radioactive waste;

12 (13) decommissioning and postclosure care plans;

13 (14) security plans;

14 (15) worker monitoring and protection plans;

15 (16) emergency plans; and

16 (17) a monitoring program for applicants that includes  
17 prelicense and postlicense monitoring of background radioactive  
18 and chemical characteristics of the soils, groundwater, and  
19 vegetation.

20 SECTION 3. (a) This Act takes effect September 1, 2003.

21 (b) The changes in law made by the addition of Section  
22 401.110(b), Health and Safety Code, and the amendment of Section  
23 401.112(a), Health and Safety Code, by this Act, apply only to an  
24 application for the issuance, amendment, or renewal of a license or  
25 registration submitted to the Texas Department of Health under  
26 Chapter 401, Health and Safety Code, on or after September 1, 2003.

27 (c) Not later than December 1, 2003, the Texas Department of

1 Health shall adopt rules to implement the changes in law made by  
2 Section 401.110(b), Health and Safety Code, as added by this Act,  
3 and Section 401.112(a), Health and Safety Code, as amended by this  
4 Act.

David Newkum

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 253 was passed by the House on April 25, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 253 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Patricia Spaw

Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:30pm O'CLOCK

JUN 20 2003  
Ann Shea  
Secretary of State