

BILL ANALYSIS

Senate Research Center

S.B. 1857
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Natural Resources
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As Filed

DIGEST

Currently, the radioactive by-product materials program is administered by the Texas Natural Resource Conservation Commission (TNRCC). When the program was moved, in 1991, from the Texas Department of Health (department) to TNRCC, many other programs dealing with radioactivity remained at the department. As a result, the department retained most of the staff who work with radioactive issues on a regular basis, and therefore the bulk of the expertise on radioactive matters. This bill seeks to reverse the transfer of the by-product materials program primarily to take advantage of the expertise in radioactive matters that continues to exist at the department.

PURPOSE

As proposed, S.B. 1857 transfers certain responsibilities of the Texas Natural Resource Conservation Commission related to certain radioactive materials to the Texas Department of Health.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Health in SECTION 1 (Section 401.104(b), Health and Safety Code) and to the Texas Board of Health in SECTION 4 (Section 401.263(f), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 401.104(b), Health and Safety Code, to require the Texas Natural Resource Conservation Commission (TNRCC), by rule, to provide for licensing for the disposal of radioactive material except by-product material defined by Section 401.003(3)(B). Requires the Texas Department of Health (department), by rule, to provide for licensing for the disposal of by-product material defined by Section 401.003(3)(B).

SECTION 2. Amends Section 401.262, Health and Safety Code, to provide that the department, rather than TNRCC, has sole exclusive authority to assure that sites are closed out and by-product material is managed and disposed of in compliance with closure dose rates the United States Nuclear Regulatory Commission (federal commission) has determined to be protective of human health and safety and the environment.

SECTION 3. Amends Section 401.2625, Health and Safety Code, to make conforming changes.

SECTION 4. Amends Sections 401.263(a) and (c)-(f), Health and Safety Code, to require the department to prepare or have prepared a written environmental analysis, if the Texas Board of Health (board), rather than TNRCC, is considering the issuance, renewal, or amendment of certain licenses. Makes conforming changes.

SECTION 5. Amends Sections 401.264(a), (c), and (d), Health and Safety Code, to make conforming changes.

SECTION 6. Amends Section 401.265, Health and Safety Code, to require the board to prescribe conditions in certain licenses that the license holder will comply with certain standards that are prescribed by the board and that are compatible with, rather than more stringent than, the federal commission's standards.

SECTION 7. Amends Section 401.266(a), Health and Safety Code, to make a conforming change.

SECTION 8. Amends Section 401.267, Health and Safety Code, to make a conforming change.

SECTION 9. Amends Section 401.269, Health and Safety Code, to make conforming changes.

SECTION 10. Amends Sections 401.270(a), (b), (e), and (f), Health and Safety Code, to make conforming and nonsubstantive changes.

SECTION 11. Amends Sections 401.412(a) and (b), Health and Safety Code, to define "radioactive substance." Makes conforming and nonsubstantive changes.

SECTION 12. Amends Section 401.413, Health and Safety Code, to provide that this section does not apply to a person required to obtain a license for recovery, processing, or disposal of source material or by product material.

SECTION 13. Sets forth regulations relating to the transfer of rights, powers, duties, obligations, functions, activities, property, and programs from TNRCC to the department.

SECTION 14. Sets forth items to which the transfers made by this Act do not affect.

SECTION 15. Requires the department, in performing, exercising, or conducting a right, power, duty, obligation, function, activity, or program transferred by this Act, to apply standards of the federal commission, to the extent feasible, until the department adopts relevant standards.

SECTION 16. Sets forth regulations regarding fees assessed under the radioactive by-product materials program.

SECTION 17. Emergency clause.
Effective date: upon passage.