

# Summary of Proposed Changes to H&S Code Section 401 ' Subchapter F. Special Provisions Concerning Low-Level Radioactive Waste Disposal '

## Overall Reason for Changes

- The compact waste disposal facility has always lost money, this is unsustainable for a commercial company
- The losses are due to the economic restrictions (pricing, volume limitations, taxes) that are imposed by Texas statute
- If the compact waste disposal facility is allowed to compete in the free market, it can be economically viable
- If the compact waste facility is not allowed to compete, it must be subsidized by the State of Texas

## Price Setting and Contracts (401.2456, 401.2465)

- Removes TCEQ from the price setting and contracting process
- Guarantees the lowest prices for Compact waste generators
- Opens up free market competition with other sites

## Disposal Volume Limitations (401.202, 401.2065, 401.207)

- Reserves all necessary space for Compact waste generators (3x the estimated requirement)
- Removes uncompetitive restrictions on shipments from non-Compact generators (this waste is necessary to subsidize disposal for Compact generators)
- Removes uncompetitive and unnecessary volume reduction and containerization processes

## Construction Triggers (401.2075)

- Ensures that constructed disposal space will always be available for Compact waste generators

## Disposal Surcharges (Taxes) (401.207(g)&(h), 401.2445, 401.271)

- Reduces surcharges to be competitive with sites in other states
- Reduced surcharge percentages will be offset by higher volumes

## Security for Unplanned Events (401.241)

- Replaces the \$20 million fixed security requirement with a security based on actual estimated cost