

(1) The fee for the initial license shall be \$328 [~~\$284~~] for a two-year [~~two year~~] registration.

(2) New pharmacist licenses shall be assigned an expiration date and initial fee shall be prorated based on the assigned expiration date.

(c) **Renewal Fee.** The fee for biennial renewal of a pharmacist license shall be \$328 [~~\$284~~] for a two-year [~~two year~~] registration.

(d) **Exemption from fee.** The license of a pharmacist who has been licensed by the Texas State Board of Pharmacy for at least 50 years or who is at least 72 years old shall be renewed without payment of a fee provided such pharmacist is not actively practicing pharmacy. The renewal certificate of such pharmacist issued by the board shall reflect an inactive status. A person whose license is renewed pursuant to this subsection may not engage in the active practice of pharmacy without first paying the renewal fee as set out in subsection (c) of this section.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Texas State Board of Pharmacy

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For further information, please call: (512) 305-8010



## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### PART 21. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

#### CHAPTER 675. OPERATIONAL RULES SUBCHAPTER B. EXPORTATION AND IMPORTATION OF WASTE

##### 31 TAC §675.20, §675.25

The Texas Low-Level Radioactive Waste Disposal Compact Commission (Commission) proposes to amend §675.20 and proposes new §675.25.

In enacting the Texas Low-Level Radioactive Waste Disposal Compact Consent Act (Act), the United States Congress acknowledged the public value of the party states' cooperation in the protection of the health, safety, and welfare of their citizens and the environment of the party states (Public Law 105-236, 112 Stat. 1542). In furtherance of this policy, the Congress provided for the economic management of low-level radioactive waste to distribute the costs, benefits, and obligations among the party states (Public Law 105-236, 112 Stat. 1542). By adopting the Act in Texas Health and Safety Code (THSC), Chapter 403, the Texas Legislature authorized the Commission to enter into agreements with any person for the importation of low-level radioactive waste into the compact for disposal (THSC, §403.006). The Commission recognizes a public benefit in making a reser-

vation of capacity at the Andrews, Texas compact facility for certain generators of low-level radioactive waste.

The Texas Legislature has placed an annual limit on the total number of curies of low-level radioactive waste that may be imported from non-party states (THSC, §401.207(e)). The proposed amendment and new rule will better serve the public by ensuring that small quantity generators of low-level radioactive waste will have available capacity from the total annual allotment for the disposal of that waste. It is critical that all generators of low-level radioactive waste have a pathway for disposal, however, because of their size, small quantity generators may not have the same resources to arrange for disposal as their larger counterparts. Further, the disposal of small quantity generator waste is often coordinated through brokers. The proposed amendment and new rule will give brokers regulatory certainty that disposal space will be available when they solicit agreements to dispose of small quantity generator waste on behalf of those entities. Accordingly, the proposed amendment and new rule implement the policy directives of the Act. The Commission proposes to amend the term "small quantity generator" in proposed amended §675.20 to align with proposed new §675.25 concerning capacity reservation for entities that meet the requirements of the defined term.

#### FISCAL IMPACT STATEMENT AND LOCAL EMPLOYMENT IMPACT

Leigh Ing, the Commission's Executive Director, estimates that for the first five-year period the amendment and new rule are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the amendment and new rule. This is because it is not anticipated that the new rule will affect the overall capacity available to all entities that dispose of low-level radioactive waste at the compact facility. Ms. Ing has also determined that for each of the first five years the amendment and new rule are in effect, the public benefit anticipated is that small quantity generators will have reserved space for disposal, which reduces risks associated with on-site storage of low-level radioactive waste. The proposed amendment and rule will not affect local employment because they will not impact the overall amount of waste going to the Andrews, Texas compact facility. The proposed amendment and new rule do not impose a cost on regulated persons or other entities.

#### NO MAJOR ENVIRONMENTAL RULE

The proposed amendment and new rule do not constitute a major environmental rule because the proposal does not have the potential to adversely affect the economy, productivity, competition, jobs, the environment, or the public health and safety of the state.

#### IMPACT ON SMALL BUSINESSES, MICRO BUSINESSES, AND RURAL COMMUNITIES

The Commission does not anticipate that the proposed amendment and new rule will have any impact on small businesses or microbusinesses because it will not affect the operation of any business. The compact facility is located near Andrews, Texas, which qualifies as a rural community, however, the proposed amendment and new rule will not affect operations at the compact facility.

#### GOVERNMENT GROWTH IMPACT STATEMENT

During the first five years that the proposed amendment and rule are in effect: 1) there will be no creation or elimination of a government program; 2) there will be no need to create or elimi-

nate employee positions; 3) there will be no need for either an increase or decrease in future legislative appropriations to the Commission or fees paid to the Commission; 4) there will be a new regulation that requires the reservation of disposal capacity for small quantity generators of low-level radioactive waste; 5) there will be no expansion, limitation, or repeal of an existing regulation; 6) the proposed amendment will clarify the number of entities that qualify as small quantity generators because it sets a curie limit for generators who may qualify; and 7) there will be no positive or adverse effect to the state's economy.

#### NO TAKING

The Commission has determined that the proposed rule does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action, and therefore does not constitute a taking under Texas Government Code, §2007.043.

#### PUBLIC COMMENT

Comments on the proposed amendment and new rule may be submitted to Leigh Ing, Executive Director, Texas Low-Level Radioactive Waste Disposal Compact Commission, 919 Congress Avenue, Suite 830, Austin, Texas 78701 or by email at [comments@tllrwdcc.org](mailto:comments@tllrwdcc.org). The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

#### STATUTORY AUTHORITY

The Commission proposes the amendment and new rule under authority granted in THSC, §403.006, which includes specific rulemaking authority in the Act, Section 3.05. The Commission interprets this section as allowing for the implementation of rules regarding the management of low-level radioactive waste from non-party states.

#### §675.20. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) - (17) (No Change.)

(18) A "small quantity generator" is a generator of low-level radioactive waste that ~~who~~ generates no more than 200 ~~±00~~ cubic feet or no more than 100 curies of such waste per year, and does not include nuclear power generation facilities, electric utilities, or the United States Department of Defense ~~provided that the curie level of such waste is minimal as compared to the curie limit in the Compact Facility's license as determined by the Commission~~.

(19) - (21) (No Change.)

#### §675.25. Capacity Reservation for Small Quantity Generators.

(a) This section applies to non-party compact waste imported into the host state.

(b) Of the annual statutory allotment for the disposal compact waste established in Texas Health and Safety Code, §401.207, the Commission shall reserve 2,000 curies per fiscal year for the disposal of non-party compact waste at the compact facility by small quantity generators.

(c) By majority vote, the Commission may increase the reserved amount in subsection (b) of this section if the Commission determines that national demand for disposal of low-level radioactive waste warrants an increase in the capacity reservation for small quantity generators. A Commission decision to increase the reservation amount under this subsection only applies to the fiscal year in which the Commission approves the reservation increase. If the Commission decides

to increase the reserved amount in subsection (b) of this section, then it will post the increased reservation amount on its website for the duration of the fiscal year in which it applies.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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TRD-201901853

Leigh Ing

Director

Texas Low-Level Radioactive Waste Disposal Compact Commission

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For further information, please call: (512) 217-8045

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 6. TEXAS DEPARTMENT OF CRIMINAL JUSTICE

#### CHAPTER 151. GENERAL PROVISIONS

##### 37 TAC §151.25

The Texas Board of Criminal Justice proposes amendments to §151.25, concerning the Texas Department of Criminal Justice Tobacco Policy. The amendments are proposed in conjunction with a proposed rule review of §151.25 as published in another section of the *Texas Register*. The proposed amendments are necessary to update the language in light of changing technology, to add interns and volunteers to the scope of the rule, and to update formatting.

Jerry McGinty, Chief Financial Officer for the Texas Department of Criminal Justice, has determined that for each year of the first five years the rule will be in effect, enforcing or administering the rule will not have foreseeable implications related to costs or revenues for state or local government.

Mr. McGinty has also determined that for each year of the first five year period, there will not be an economic impact on persons required to comply with the rule. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required.

The anticipated public benefit, as a result of enforcing the rule, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The rule will have no impact on government growth; no creation or elimination of employee positions; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy.

Comments should be directed to Sharon Felfe Howell, General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, [Sharon.Howell@tdcj.texas.gov](mailto:Sharon.Howell@tdcj.texas.gov). Written comments from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code §§492.013, 494.010.