

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

COMPACT COMMISSION

AGENDA

June 29, 2012

9:00 A.M.

Texas State Capitol Extension

Hearing Room E1.028

1400 North Congress

Austin, Texas 78701

The Texas Low-Level Radioactive Waste Disposal Compact Commission (“Commission”) will meet at the above-stated time, date, and location to consider and take appropriate action on the items listed in the agenda set out below.

1. Call to Order
2. Roll Call and Determination of Quorum
3. Introduction of
 - a. Commissioners
 - b. Elected Officials
 - c. Press
4. Public Comment (Note: Pursuant to Article IV, Section Two (c) of the Commission’s Bylaws, the Commission [subject to such time constraints as may be established by the Chair] also will provide an opportunity for members of the public to directly address the Commission on each item on the agenda during the Commission’s discussion or consideration of the item.)
5. Consideration of and possible action related to resolution of questions that have arisen about evaluation of waste importation agreement applications including the following matters:

- A. The facility operating life period to be used in connection with decisions about whether approval of nonparty waste importation agreements diminishes disposal volume or curie capacity available to party state waste generators during the facility operating life;
 - B. Reconciliation of Compact language with requirements in Chapter 401 of the Texas Health and Safety Code related to volume and curie disposal capacity at the facility;
 - C. When an application becomes static for purposes of review;
 - D. How determinations are to be made about whether a particular waste, or the radioactive substance associated with the waste, is of international origin;
 - E. To what extent comments on proposed importation agreement applications should be considered if they are received after the date for receiving comments has expired; and
 - F. Whether the Compact Commission should consider approval of importation agreements when the quantities of curies or volume in the agreements, if approved, would be in excess of yearly operational limits for the licensee specified in SB 1504 enacted by the 82nd Texas Legislature, and, if so, what terms should be imposed by the Compact Commission related to such agreements, if any.
6. Consideration of and possible action pursuant to 31 TAC Sec. 675.23(j) on each of the following applications and proposed agreements for importation of low-level radioactive waste deemed received on May 10, 2012:
- A. Bionomics, Inc.
 - B. Tennessee Valley Authority (1)
 - C. Tennessee Valley Authority (2)
 - D. PerkinElmer Health Sciences, Inc.
 - E. Pacific Gas and Electric Company HBPP
 - G. Exelon Generation Company
 - H. Nebraska Public Power District
 - I. Ecology Services, Inc.;

and consideration of and possible action on each of the following applications and proposed agreements for importation of low-level radioactive waste deemed received on June 1, 2012:

- J. Studsvik Processing Facility Erwin LLC
 - K. Thomas Gray & Associates/Environmental Management & Controls
 - L. Zion Solutions
7. Receive reports from the TCEQ on its actions related to low level waste disposal operations in Andrews County, including reports on any pending license amendment applications filed by WCS, the current status and schedule in the rate case pending to establish disposal rates at the facility, TCEQ initiatives on contract provisions between generators and the site operator that were discussed on April 25, 2012, shipping expectations for in-compact and non-party state waste, revenue predictions related to site operations during the remaining Texas fiscal year 2012 and for Texas fiscal year 2013, on waste acceptance and disposal operations at the facility, and on environmental monitoring at the facility.
 8. Receive reports from WCS about site operations, including reports on pending license amendment applications, status of rate case, information about projected volumes of shipments for disposal during the facility's first operational year, updates in revenue predictions related to site operations to be used for estimating funds available for operations of the Commission and for funds to be contributed to the State of Texas and to Andrews County, and on projected capacity requirements for waste disposal operations at the Compact facility site during the first operational year expressed both in curies and volume including reports on whether there are any radionuclide limits in the license that are projected to have more than 50% of capacity consumed within the first operational year and other matters reported at the discretion of WCS.
 9. Discussion and possible action on the issues raised in the April 30, 2012 letter from WCS concerning The University of Texas System's ("UTS") April 25, 2012 letter giving the Compact Commission "Notice of Intent to Ship Waste for Treatment Out of State" including, without limitation, possible action on the issue of whether certain materials are within the definition of "low level radioactive waste" subject to approval for export pursuant to Section 3.05(7) of the Texas Low-Level Radioactive Waste Compact. The exchange of correspondence between UTS and WCS maybe viewed on the Compact Commission's website.
 10. Consideration of and possible action on statement of reasons for or against adoption of 31 TAC Sec. 675.23.
 11. Update on activities of the Board's Fiscal Advisory Committee related to funding of Commission activities and with the development of a budget for Commission operations during Texas FY 2013 in connection with funds that may be available for Commission operations during the upcoming 2013 fiscal year.

12. Report from Leigh Ing, contracting supervising director of the Compact Commission, on her activities and questions related to Compact Commission operations.
13. Chairman's report on Compact Commission activities including reporting on fiscal matters, activities since the May 10, 2012 meeting, on status of filling needs for staffing, and on other actions to be taken by the Compact; Consideration and possible action to delegate to the Fiscal Advisory Committee the authority to adopt routine budget processing items such as mileage charts to be used for travel reimbursement
14. Discussion and possible action regarding the provisions of existing Compact Commission Rule 675.21(l) (31 TAC 675.21(l)).
15. Affirm August 2, 2012 as the date and Austin, Texas as the City of the next meeting.
16. Adjourn.

The Texas Low-Level Radioactive Waste Disposal Compact Commission may meet in Closed Session on any item listed above if authorized by the Texas Open Meetings Act, Chapter 551, Texas Government Code.