

June 5, 2016

OUTLINE FOR RULEMAKING

FOR THE DEVELOPMENT OF A CONCEPT PAPER FOR A RULE 675.24 RELATING TO THE IMPORTATION OF LOW-LEVEL RADIOACTIVE WASTE THAT IS BELOW THE CRITERIA APPLICABLE FOR DISPOSAL IN THE COMPACT WASTE FACILITY

- I. The commission is ~~authorized~~ by Sections 3.05 (3), (4), and (6) of the Compact to promulgate rules relating to the importation of material into the Compact that is not to be shipped for disposal to the Compact Waste Facility.
- II. Section 3.05(6) of the Compact reads as follows:

Section 3.05. The commission may:

(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.
- III. The Commission finds that it is important to the public health and safety in the party states that there be a process that provides a record of all low-level radioactive waste that is shipped into the Compact.
- IV. The commission proposes to adopt a rule that:
 - a. Requires all low-level radioactive waste (other than such waste that is shipped to the Compact Facility for disposal pursuant to rules of the commission) shipped into the compact utilizing NRC Form 540 (Uniform Low-Level Radioactive Waste Manifest Shipping paper) be subject to a reporting process as follows:
 - i. Such waste may only be shipped to a site that has an agreement (an "agreement site") with the commission and is licensed by the appropriate licensing entity in a party state.
 - ii. Inter alia, the agreement site will agree to report shipments to its site to the commission by volume and radioactivity not more than _days after the end of each quarter of the commission's fiscal year.
 - b. Contains enforcement criteria for failure of an entity to ship to an agreement site.
 - c. Contains criteria for the agreement that will be entered into by the Commission with agreement sites within a party state.

In addition to general comments, the Texas Low-Level Radioactive Waste Disposal Compact Commission (the Compact) is seeking specific comment on the following matters:

1. Is the scope of the rule appropriate in that “any person, state, regional body, or group of states” must enter into an agreement with the Compact for importation into Texas or Vermont of low-level radioactive waste for management? Is the scope too broad? Too narrow?

2. Is it appropriate that all waste shipped into the Compact under a NRC Form 540, 541 and 542 be covered by this rule? What would be potential exemptions or exclusions we should consider? And why?

3. The Compact is considering requiring the following information to be reported quarterly:

- Volume
- Activity (in curies)
- Low-Level Radioactive Waste Generator
- The low-level waste compact, unaffiliated state, territory or possession of the waste generator
- Ultimate disposition of the waste
- Does the waste contain disused sources?
- How is the waste stored, processed or otherwise managed once imported?

The Compact is seeking comment on the information, above, that would be required to be reported quarterly. Is there additional information that should be requested? Is any of the above-listed information unnecessary to report? Should we choose weight, instead of volume? Is curies the correct unit?

4. Is quarterly reporting an appropriate reporting timeframe?