



DPG 13-157

August 29, 2013

Texas Low Level Radioactive Waste Disposal Compact Commission
333 Guadalupe St. #3-240
Austin, Texas 78701

**RE: APPLICATION FOR IMPORTATION OF NONPARTY LOW-LEVEL
RADIOACTIVE WASTE**

In accordance with Texas Health and Safety Code, SMUD is requesting importation of waste as described in the attached import application documents.

If you have any questions or would like additional information or clarification, please contact me by phone at (916) 732-4817 or by email at einar.ronningen@smud.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. T. Ronningen', with a stylized flourish at the end.

Einar T. Ronningen
Superintendent, Rancho Seco Assets

Attachments: Annex A
Rancho Seco Possession Only License
Annex B

ANNEX A

**TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
COMPACT COMMISSION**

APPLICATION FOR IMPORTATION OF NONPARTY LOW-LEVEL RADIOACTIVE WASTE

(NOTE: PURSUANT TO TEXAS HEALTH AND SAFETY CODE, §401.207(j), THIS APPLICATION MUST BE COMPLETED BY APPROPRIATE REPRESENTATIVES OF THE DEPARTMENT OF DEFENSE OR THE GENERATOR OF THE WASTE UNLESS THE GENERATOR IS A SMALL GENERATOR AS DEFINED IN 31 TAC §675.23(o), IN WHICH CASE THE APPLICATION MAY BE SUBMITTED BY AN APPROPRIATELY LICENSED BROKER)

1. Applicant Information:

Entity Name	<u>Sacramento Municipal Utility District</u>
Contact Person	<u>Einar T. Ronningen</u>
Phone	<u>916-732-4817</u>
Email	<u>einar.ronningen@smud.org</u>
Website address	<u>www.smud.org</u>
Business Address	<u>14440 Twin Cities Road, Herald, CA 95638</u>
Mailing Address	<u>Same</u>

Is Applicant: ☒ Generator

☐ A Broker who is a: ☐ Licensed Waste Processor

☐ Licensed Waste Collector

☐ Department of Defense

Notes:

(1) An appropriately licensed Broker may act on behalf of a Small Generator only if each such generator is identified and written authorization from each such generator is provided as an attachment hereto.

(2) While Department of Defense Regulation 4715.6-R designates the Department of the Army as Executive Agent for disposal of low-level radioactive waste, the Commission will require that any agreement that it enters into in this regard be signed by both the Department of the Army as Executive Agent and the branch of the military that has generated the waste.

Generator Type: ☐ Industrial
 ☐ Academic/Research
 ☐ Medical
 ☒ Utility
 ☐ Government

Is Applicant the entity responsible for the waste shipment? ☒ yes ☐ no

If no, please include the name and contact information for the entity responsible for the waste shipment.

Is Waste from a "Small Generator"? ☐ yes ☒ no

2. Term/Duration from Date of Approval: October 2, 2013 - June 30, 2015

3. Waste proposed for importation.

Waste Volume (Cubic Feet) 3,136

Waste Radioactivity in Curies 12,500

Place of origination (State) of waste:

Waste description:

 Nuclear Reactor Operations:

 Plant water treatment resins

 Irradiated hardware

 Metal filters, kerf from hardware segmentation

Waste classification (Class A, Class B, or Class C): Class A, B and C

Waste form: ☒ stable ☐ unstable

Does waste contain any of the following radionuclides, check box(es) and complete blank(s):

☒ C-14 15,000 estimate millicuries (mCi)

☒ Tc-99 20,000 estimate microcuries (uCi)

☐ I-129 N/A nanocuries (nCi)

☐ Depleted Uranium N/A microcuries (uCi)

☐ Concentration N/A (provide units)

Source of generation

Operation and decommissioning of Rancho Seco Nuclear

Generating Station.

4. Is the proposed waste a sealed source?

☒ No. ☐ Yes. Please explain: _____

5. Does Broker and/or Generator(s) have any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) with the Texas Low-Level Radioactive Waste Disposal Compact Commission?

☒ No ☐ Yes. Please explain: _____

6. Does Broker and/or Generator(s) have any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) pending with any other regulatory agency with jurisdiction to regulate radioactive material including, without limitation, the Texas Commission on Environmental Quality (TCEQ)?

☒ No ☐ Yes. Please explain: _____

7. **Certifications.** Applicant hereby certifies the following.

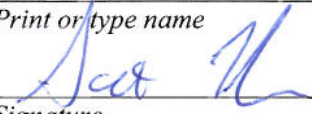
- a. The information provided herein is complete, accurate and correct.
- b. The low-level radioactive waste for which this Application is submitted will be packaged and shipped in accordance with applicable state and federal regulations and is acceptable for disposal at the Compact Facility.

- c. The person submitting this Application is authorized by Applicant to commit Applicant to each and every obligation and condition set forth herein and in the Agreement for Importation of Nonparty Compact Waste. A copy of a written document containing such authorization must be attached to this Application.
- d. Applicant has delivered to the Compact Facility operator and TCEQ a copy of this Application and the Agreement for Importation of Nonparty Compact Waste (along with any supplements or amendment thereto).

8. **Authorized Signatory:**

Scott Flake

Print or type name


Signature

Manager, Power Generation

Title

8-27-2013
Date

ATTACHMENTS:

(Attachments should include all applicable licenses, authorizations, and other materials needed or useful to fully explain the application.)

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SACRAMENTO MUNICIPAL UTILITY DISTRICT

DOCKET NO. 50-312

Rancho Seco Nuclear Generating Station

AMENDMENT TO FACILITY OPERATING LICENSE (POSSESSION ONLY)

Amendment No. 132
License No. DPR-54

1. The Nuclear Regulatory Commission (NRC) has found that:
 - A. The application for amendment filed by Sacramento Municipal Utility District (the licensee), dated January 24, 2005, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will be maintained in conformity with the application, the provisions of the Act, and the rules and regulations of the NRC;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the NRC;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the NRC's regulations and all applicable requirements have been satisfied;
 - F. Not Used.
 - G. Not Used.

(Amendment 132 - 09/27/05)

- H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental costs and considering available alternatives, the issuance of Facility Operating License No. DPR-54, subject to the conditions for protection of the environment set forth herein, is in accordance with 10 CFR Part 50, Appendix D, of the Commission's regulations and all applicable requirements of said Appendix D have been satisfied; and
- I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Part 30, 40, and 70, including 10 CFR Section 30.33, 40.32, 70.23, and 70.31.

2. Facility Operating License No. DPR-54 is hereby issued to the Sacramento Municipal Utility District to read as follows:

- A. This license applies to the Rancho Seco Nuclear Generating Station, a pressurized water reactor and associated equipment (the facility), owned by the Sacramento Municipal Utility District. The facility is located in Sacramento County, California, and is described in the "Final safety Analysis Report" as supplemented and amended and the Environmental Report as supplemented and amended.

(Amendment 132 - 09/27/05)

- B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Sacramento Municipal Utility District

- (1) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to possess but not operate the facility at the designated location in Sacramento County, California, in accordance with the procedures and limitations set forth in this license;

(Amendment 117 - 03/17/92)

- (2) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use at any time any byproduct, source, and special nuclear material as sealed neutron sources, sealed sources for reactor instrumentation and radiation monitoring equipment, calibration, and as fission detectors in amounts as previously required for reactor operation; and to possess but not use special nuclear material previously received as reactor fuel;

(Amendment 117 - 03/17/92)

- (3) Pursuant to the Act and 10 CFR Part 30, to receive, possess, and use at any time 100 millicuries each of any byproduct material, without restriction to chemical or physical form, for sample analysis or instrument calibration;

(Amendment 117 - 03/17/92)

- (4) Pursuant to the Act and 10 CFR Parts 40 and 70, to receive, possess, and use at any time 100 milligrams each of any source or special nuclear material, without restriction to chemical or physical form, for sample analysis or instrument calibration;

(Amendment 117 - 03/17/92)

- (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as were produced by the previous operation of the facility.

(Amendment 117 - 03/17/92)

- C. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

- (1) Maximum Power

The licensee is not authorized to operate the reactor.

(Amendment 117 - 03/17/92)

- (2) Permanently Defueled Technical Specifications

The Permanently Defueled Technical Specifications contained in Appendix A, as revised through Amendment No. 132, are hereby incorporated in the license. Sacramento Municipal Utility District shall maintain the facility in accordance with the Permanently Defueled Technical Specifications.

(Amendment 132 - 09/27/05)

(3) Confirmatory Order

Amend.
132
9/21/05

The movement of nuclear fuel into the Reactor Building is prohibited without prior NRC approval.

(4) License Termination Plan (LTP)

NRC License Amendment No. 133 approves the License Termination Plan.

In addition to the criteria specified in 10 CFR 50.59 and 10 CFR 50.82(a)(6), a change to the LTP requires prior NRC approval if the change:

- (a) Increases the probability of making a Type I decision error above the level stated in the LTP
- (b) Increases the radionuclide-specific derived concentration guideline levels (DCGL) and related minimum detectable concentrations
- (c) Increases the radioactivity level, relative to the applicable DCGL, at which investigation occurs
- (d) Changes the statistical test applied other than the Sign Test or Wilcoxon Rank Sum Test.

Amend.
133
11/26/07

Re-classification of survey areas from a less to a more restrictive classification (e.g., from a Class 3 to a Class 2 area) may be done without prior NRC notification; however, re-classification to a less restrictive classification (e.g., Class 1 to Class 2 area) will require NRC notification at least 14 days prior to implementation.

- D. This license is subject to the following additional condition for the protection of the environment:

If harmful effects or evidence of irreversible damage are detected by the monitoring programs including in the Rancho Seco Quality Manual, the Applicant will provide an analysis of the problem and a proposed course of action to alleviate the problem.

Amend.
132
9/21/05

- E. This license is effective as of the date of issuance and shall expire at midnight, October 11, 2008.

FOR THE ATOMIC ENERGY COMMISSION

/s/ Roger S. Boyd for

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Attachment:
Appendix A - Technical Specifications

Date of Issuance:
August 16, 1974

} Amend.
120
10/13/92

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

Agreement for Importation of Nonparty Low-Level Radioactive Waste into Texas Low-Level Radioactive Waste Disposal Compact for Disposal

This Agreement for Importation of Nonparty Low-Level Radioactive Waste ("Agreement") is dated August 28, 2013, by and between the Sacramento Municipal Utility District ("Generator") and the Texas Low-Level Radioactive Waste Disposal Compact Commission ("Commission") (collectively the "Parties").

I. RECITALS

WHEREAS Texas is the host state for the Texas Low-Level Radioactive Waste Disposal Compact ("Compact"), which requires the state to develop a facility for the disposal of low-level radioactive waste generated within the Compact's party states; and

WHEREAS in compliance with the Compact and with state law, the Texas Commission on Environmental Quality ("TCEQ") issued a license to Waste Control Specialists LLC ("Compact Facility Operator") to construct and operate a Compact Waste Disposal Facility ("Compact Facility") in Andrews County, Texas for the disposal of low-level radioactive waste for the Compact; and

WHEREAS the Texas Legislature has authorized the Compact Facility Operator to accept for disposal at the Compact Facility low-level radioactive waste from waste generators located outside of the Compact party states in accordance with the Compact Facility license and to the extent the acceptance of such imported waste does not diminish the disposal volume or curie capacity available to Compact party states; and

WHEREAS Chapter 403, Section 3.05(6) of the Texas Health and Safety Code authorizes the Commission to 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; and

WHEREAS the Texas Legislature has established additional terms and conditions in Chapter 401 of the Texas Health & Safety Code that if satisfied ensure that the importation of low-level radioactive waste will be in the State's public interest; and

WHEREAS Generator has filed an Application for Importation of Nonparty Low-Level Radioactive Waste ("Application") with the Commission; and

WHEREAS the Commission has processed and considered Generator's Application in accordance with applicable requirements, and a majority of the members of the Commission approved the Application and voted to enter into this Agreement; and

WHEREAS in voting to approve Generator's Application and to enter into this Agreement, the Commission considered all relevant statutory and regulatory considerations, including, but not limited to: (a) the volume, type, physical form, and total activity (radionuclidespecific activity, if needed) of the waste proposed for importation as identified in the Application; (b) the policy and purpose of the Compact; (c) the existence of unresolved violations pending against Generator with any other regulatory agency with jurisdiction to regulate radioactive material, and any comments by the regulatory agency with which Generator has unresolved violations; (d) any unresolved violation, complaint, unpaid fee, or past due report that Generator has with the Commission; (e) whether, by acceptance of this waste for disposal, the Compact Facility will remain below the applicable annual and total volume and curie capacity disposal limits set forth in Sections 401.207(e), (e-l) (if applicable), and (f)(1) of the Texas Health and Safety Code; and (f) other factors that the Commission has deemed relevant to carry out the policy and purpose of the Compact and Chapters 401 and 403 of the Texas Health and Safety Code.

II. Representations and Acknowledgements

WHEREAS The Generator represents and acknowledges the following:

- A. The generator has disclosed in its Application for Importation the existence of unresolved violations pending against the applicant with any other regulatory agency with jurisdiction to regulate radioactive material.
- B. The generator has disclosed in its Application for Importation the existence of any unresolved violation(s), complaint(s), unpaid fee(s), or past due report(s) that the applicant has with the Commission.
- C. The generator has disclosed in its Application for Importation the existence of any unresolved violation(s), complaint(s), unpaid fee(s), or past due reports that the applicant has with any other regulatory body, including, without limitation, the TCEQ.
- D. The generator acknowledges that a misrepresentation with respect to an item listed in A, B, or C may result in the cancellation of the agreement.
- E. The generator acknowledges the obligation to report immediately to the Commission any allegation of the violation of any law, rule or regulation related to the storage, shipment or treatment of any form of radioactive material.
- F. The generator acknowledges the right of the Commission to audit or cause to be audited compliance with the agreement.
- G. The generator affirms that no waste of international origin shall ever be included in the materials to be imported to the Compact facility.

III. AGREEMENT

NOW, THEREFORE, in the exercise of its authority under Chapter 403 of the Texas Health and Safety Code, the Commission hereby authorizes the importation of Generator's nonparty low-level radioactive waste, in the form and amounts described below ("Generator's Nonparty Compact Waste"), subject to the following terms and conditions.

- A. This Agreement shall remain in effect from August 28, 2013 through June 30, 2015 unless amended by agreement of the Parties, or revoked by the Commission prior to importation.
- B. Generator agrees to comply with Chapter 403, Section 8.03 of the Texas Health and Safety Code and shall be liable for its own acts, omissions, conduct, and relationships in accordance with applicable law.
- C. The Commission may, on its own motion or in response to a petition by the Generator for amendment of this Agreement for which prior written notice has been given to Generator and the Compact Facility Operator, revoke this Agreement, or add or delete requirements or limitations to this Agreement, provided that the Commission provides a reasonable time to allow the Generator and the Compact Facility Operator to make the changes necessary to comply with any additional requirements imposed by the Commission.
- D. This Agreement is not assignable or transferable to any other person.
- E. This Agreement is subject to receipt by the Compact Facility Operator of written certification from the TCEQ, prior to the acceptance of Generator's Nonparty Compact Waste, that the waste to be imported is authorized for disposal under the Compact Facility licensee.
- F. The applicant agrees to comply to the extent applicable with the rules related to commingling adopted by TCEQ in coordination with the Commission pursuant to Section 401.207(k), Texas Health and Safety Code
- G. The waste is as described in Annex A.

For Generator:

William W. Westerfield
Name
Senior Attorney
Title

For Texas Low Level Radioactive Waste
Compact Commission:

Name

Title