

# Texas Low-Level Radioactive Waste Disposal Compact Commission

**Chair**  
Brandon T. Hurley, Chair, TX

**Vice-Chair**  
John M. Salsman, Vice Chair, TX

**Executive Director**  
Leigh Ing

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**Commissioners**  
Peter Bradford, VT  
Hon. Richard H. Dolgener, TX  
Lisa Edwards, TX  
Linda Morris, LMP, TX  
Richard Saudek, VT  
Clint, Weber, TX

January 29, 2019

The Honorable Greg Abbott  
Governor of Texas  
P.O. Box 12428  
Austin, Texas 78711-2428

The Honorable Dan Patrick  
Lieutenant Governor of Texas  
P.O. Box 12068  
Austin, TX 78711

The Honorable Dennis Bonnen  
Speaker of the House of Texas  
Room 2W.13  
P.O. Box 2910  
Austin, TX 78768

The Honorable Phil Scott  
Governor of Vermont  
109 State Street Pavilion  
Montpelier, VT 05609

The Honorable David Zuckerman  
Lieutenant Governor of Vermont  
115 State Street  
Montpelier, Vermont 05633

The Honorable Mitzi Johnson  
Speaker of the House of Vermont  
115 State Street  
Montpelier, VT 05633

## **Subject: TLLRWDCC Annual Report for 2018**

Dear Governor Abbott, Governor Scott, Mr. Patrick, Mr. Zuckerman, Mr. Bonnen and Ms. Johnson,

As required by Article III, Section 3.04, Paragraph 8 of the Texas Low-Level Radioactive Waste Disposal Compact, we are pleased to provide the 2018 Annual Report of the Texas Low-Level Radioactive Waste Disposal Compact Commission ("TLLRWDCC" or "Commission"). Federal law created an interstate compact whose member states are Texas and Vermont that also created the Commission to carry out the terms of the compact. The express purpose of the Commission is to provide a safe and effective disposal facility for generators of low-level radioactive waste generated in Texas and Vermont and to allow Texas to restrict the import and disposal of wastes from states other than Texas and Vermont and international sources through the regulation of importation of low-level radioactive waste into the member states and the authorization of the exportation of low-level radioactive waste by generators located in the member states.

This annual report provides: (1) a review of the mission statement of the TLLRWDCC; (2) the current organizational structure of the Commission including the identity of the commissioners and their terms; (3) the volumes of low level radioactive waste exported from and imported into the member states of the Compact; (4) a description of the revenue generated as a result of the agreements approved by the TLLRWDCC for the importation of low-level radioactive waste into the Compact Waste Facility located

in Andrews County, Texas that is operated by Waste Control Specialists; and (5) the status of the monitoring and protection of capacity for disposal at the Compact Waste Facility being done by the Commission. The most recent financial audit of the Commission's operations is attached to this report. All previous independent financial audits of the TLLRWDC's books completed in compliance with the requirements of the Compact are maintained on the TLLRWDC web-site at [www.tllrwdc.org](http://www.tllrwdc.org).

#### **1. Mission Statement:**

It is the mission of the TLLRWDC to promote the health, safety and welfare of the citizens and the environment of the Compact's party states; to ensure and promote the safe, effective, efficient, and economical disposal and management of low-level radioactive waste within its member states and to encourage the reduction of the generation thereof; and to distribute the costs, benefits and obligations among the Compact's member states of this process; all in accordance with the terms of the Compact. The primary activities of the Commission involve review and approval or denial of requests to dispose of low-level radioactive waste generated in states other than Vermont and Texas to the Compact facility in Andrews, Texas. Shipments from generators in other states into the facility are called "imports." (See Table 2 below). From time to time, the Commission also has considers requests to "export" low-level radioactive waste generated in Texas or Vermont to a facility outside the compact member states (Table 3 below).

The TLLRWDC has the powers and duties established by the compact (which has been adopted as law in both Texas and Vermont) and is responsible for administering the provisions of the compact prescribed to the Commission. As previously stated, Texas and Vermont are the member states of the Compact. In entering the compact, the party states recognize their responsibility to effectively manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Sections 2021b-2021j) (the "Act"). Each member state has also recognized that the United States Congress, by enacting the Act, has established the public policy of encouraging states to enter into compacts for the efficient management and disposal of low-level radioactive waste. By adopting the text of the compact in each state's laws, Texas and Vermont have adopted a policy of cooperation to protect the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economic and efficient management and disposal of low-level radioactive waste. The Commission's purpose is to provide the framework for and facilitate such a cooperative effort.

#### **2. Organizational Structure:**

The TLLRWDC is composed of six volunteer commissioners appointed by the Governor of Texas and two commissioners and an alternate appointed by the Governor of Vermont. The Governor of Texas also appoints the Chairman and Vice-Chairman of the Commission. To support the commissioners, the TLLRWDC has contracted with an Executive Director who is responsible for managing the Commission's day-to-day operations and a Deputy Executive Director who provides administrative and operational support for Commission activities. As Commission activities increase, additional contract staff will be hired. Because of the independent nature of the Commission as an interstate compact, none of the Commission staff is an employee of the State of Texas or Vermont and each works as an independent contractor. Board members and their term expiration dates are provided below in Table 1.

*Table 1: Board Members and Term Expiration Dates*

Board Member	State	Term Expiration Date
Brandon T. Hurley (Chair)	TX	August 31, 2019
John M. Salsman (Vice-Chair)	TX	August 31, 2023
Linda Morris, LMP	TX	August 31, 2021
Clint J. Weber	TX	August 31, 2019
Richard H. Dolgener	TX	August 31, 2021
Lisa Edwards	TX	August 31, 2023
Richard H. Saudek	VT	**
Peter Bradford	VT	**

\*\* Vermont Commissioners serve at the pleasure of the Governor of Vermont

### 3. Approved Import and Export Waste Volumes

The Commission has entered 56 active import agreements which may have resulted in waste shipments during 2018 (since a generator may or may not ship waste under such an agreement as a result of logistic and economic issues). These agreements are detailed below in Table 2. The term “volume”, as used in this report, is defined as the total volume of low-level radioactive waste authorized for disposal by out-of-compact generators measured in cubic feet. The term “Curies”, as used in this report, is the unit of measure describing the intensity of radioactivity (produced by the disintegration of radioactive elements) estimated to be associated with the waste authorized for disposal at the time the parties enter the agreement that authorizes disposal at the Compact Waste Facility in Andrews, Texas.

*Table 2: Import Agreements Impacting 2018*

Petitioner	Volume (ft <sup>3</sup> )	Curies	State
Aerojet Ordnance Tennessee	210	7	TN
Aerojet Ordnance Tennessee	480	14	TN
Alaron-Veolia	79	150	Multiple
Alaron-Veolia	500	3	Multiple
Alaron-Veolia	120	4	Multiple
Alaron-Veolia	63	125	Multiple
Arizona Public Service – Palo Verde	600	400	AZ
Arizona Public Service – Palo Verde	722	450	AZ
Bionomics, Inc.	350	400	Multiple
Bionomics, Inc.	350	400	Multiple
Dominion Kewaunee Power Station	250	250	WI
Dominion Kewaunee Power Station	10	1	WI
Dominion Kewaunee Power Station	130	2,000	WI

DTE Energy / Fermi 2	360	60,000	MI
Duke Energy – Brunswick	400	900	NC
Duke Energy – Brunswick	175	47,000	NC
Duke Energy – Crystal River 3	120	6,000	FL
Energy Solutions	650	7,500	Multiple
Energy Solutions	650	7,500	Multiple
Energy Solutions	300	2,000	Multiple
Energy Solutions	650	7,500	TN
Entergy – Grand Gulf Nuclear Station	740	130,000	MS
Entergy – Grand Gulf Nuclear Station	464	160,000	MS
Entergy-Palisades	250	100	MI
Entergy-Palisades	250	20,000	MI
Entergy-River Bend	1,000	5,000	LA
Exelon Generation	4,255	6,500	Multiple
Exelon Generation	60	20,000	Multiple
Exelon Generation	5,455	6,500	Multiple
NextEra Point Beach LLC	125	400	WI
NextEra Turkey Point	732	1,950	FL
PerkinElmer, Inc.	400	4,900	MA
PerkinElmer, Inc.	420	195	MA
PG&E-Diablo Canyon	385	322	CA
PG&E-Diablo Canyon	278	430	CA
Philotechnics	50	30	Multiple
RAM Services	23	60	Multiple
RAM Services, Inc.	100	240	Multiple
RAM Services, Inc.	38	122	Multiple
Southern Nuclear Co. Plant Hatch	250	600	GA
Southern Nuclear Co. Plant Hatch	290	3,600	GA
Southern Nuclear Co. Plant Vogtle	650	400	GA
Southern Nuclear Co. Plant Vogtle	550	400	GA
Talen Energy	250	300	PA
Talen Energy IH	300	90,000	PA
Tennessee Valley Authority	5,000	3,000	Multiple
Tennessee Valley Authority	730	120,000	Multiple
Tennessee Valley Authority	60	120,000	AL
Tennessee Valley Authority	5,000	3,000	Multiple
Thomas Gray & Associates	2,000	1,000	Multiple
Thomas Gray and Associates	2,000	1,000	Multiple
US Army -Joint Munitions Command	20,000	250	Multiple
US Army -Joint Munitions Command	720	24	TN
US Army -Joint Munitions Command	18,000	271	Multiple

US Army-Aerojet Ordnance	720	21	TN
Xcel Energy-Prairie Island	2,500	500	MN

The Commission has issued 16 export authorizations which may have resulted in low level radioactive waste being shipped to locations outside the member states of the Compact during 2018. These authorizations are detailed below in Table 3.

*Table 3: Export Agreements Impacting 2018*

Petitioner	Volume (ft <sup>3</sup> )	Curie Content	State
Ameriphsysics-UT HSC	2,542.00	0.5	TX
Allison Cancer Center	1.00	0.00001	TX
SWRI	150.00	1	TX
TAMU	7.50	0.01	TX
Univ. Houston	85.00	0.01	TX
UT Dallas	4.00	0.01	TX
Midland	4.00	0.001	TX
Trinity University	15.00	0.002	TX
UTHSC Houston	8.00	0.001	TX
UTMB	17.00	0.25	TX
Entergy Vermont Yankee	4,800.00	0.2	VT
Entergy Vermont Yankee	6,000.00	0.2	VT
Luminant-Comanche Peak	16,000.00	5	TX
Luminant-Comanche Peak	16,000.00	5	TX
STPNOC	22,847.00	0.63	TX
STPNOC	24,632.00	0.68	TX

#### 4. Revenue Associated with Agreements Approved by the TLLRWDC

As a result of import agreements entered into in 2017 and 2018, a number of shipments were made from out-of-compact generators to the Compact Waste Facility in Andrews, TX. Each of these out-of-compact shipments resulted in a fee equal to 20% of the amount charged for disposal being paid to the Texas Commission on Environmental Quality, which oversees the operations of the facility. The quarterly totals of the out-of-compact disposal fees for 2018 are listed below in Table 4. Also provided in Table 4 are the annual out-of-compact disposal fees collected each year since 2012, when the Compact Waste Facility began taking out-of-compact radioactive waste.

*Table 4: Breakdown of Fees from Out-of-Compact Disposal - FY 2018*

Description	Quantity (\$)
1 <sup>st</sup> Quarter 2018	1,032,304.53
2 <sup>nd</sup> Quarter 2018	401,172.21
3 <sup>rd</sup> Quarter 2018	239,177.21

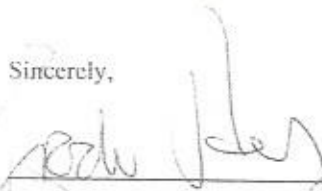
Description	Quantity (\$)
4 <sup>th</sup> Quarter 2018	18,967.51
Total Fees 2018	2,091,621.46
Total Fees 2017	4,699,561.12
Total Fees 2016	3,132,315.05
Total Fees 2015	11,037,231.18
Total Fees 2014	3,666,357.39
Total Fees 2013	5,910,178.16
Total Fees 2012	2,522,275.80
Total Fees - FY 2012 to FY 2018	29,927,225.11


#### 5. Monitoring and Protection of Capacity at Compact Waste Facility

Another primary mission of the TLLRWDC is to ensure adequate capacity exists at the Compact Waste Facility in Andrews County for both party states' generators of low-level radioactive waste. To this end, each application is reviewed to ensure the proposed disposal by out-of-compact generators will not adversely impact the capacity needed by the in-compact generators at the Compact Waste Facility. Specifically, each import application is reviewed by the Technical Committee of the TLLRWDC to ensure that the requested volume and curies, when added with other authorized shipments, will not impinge upon the capacity reserved for member state generators. As of November 30, 2018, the total volume of waste disposed of in the Compact Waste Facility (126,967 cubic feet) totals 1.41% of the permitted volumetric capacity of the Compact Waste Facility and the total curies associated with these same volumes of disposed waste (444,951 Ci) totals less than 11.4% of the permitted curies for the facility.

Thank you for the opportunity to provide this report, and please let us know if you have any questions or comments.

Sincerely,

  
 \_\_\_\_\_  
 Brandon T. Hurley, Chairman

  
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 John M. Salsman, Vice-Chairman

1/30/2019  
 \_\_\_\_\_  
 Date

1-30-2019  
 \_\_\_\_\_  
 Date

Attachment: 2017 Audit of the TLLRWDC

cc: Peter Bradford, Commissioner Vermont  
Richard H. Dolgener, Commissioner Texas  
Lisa Edwards, Commissioner Texas  
Linda Morris, Commissioner Texas  
Richard H. Saudek, Commissioner Vermont  
Clint J. Weber, Commissioner Texas