

Texas Low-Level Radioactive Waste Disposal Compact Commission

Chair

Brandon T. Hurley, Chair, TX

Vice-Chair

John M. Salsman, Vice Chair, TX

Stephen Raines, Executive Director

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Commissioners

Peter Bradford, VT
Hon. Richard H. Dolgener, TX
Lisa Edwards, TX
Linda Morris, LMP, TX
Jeff Mundy, TX
Richard Saudek, VT

January 31, 2022

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

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

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

The Honorable Molly Gray
Lieutenant Governor of Vermont
115 State Street
Montpelier, Vermont 05602

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

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

Subject: Annual Report for 2021 TLLRWDCC Activities

Dear Governor Abbott, Governor Scott, Governor Patrick, Governor Gray, Speaker Phelan, and Speaker Krowinski,

As suggested in Article III, Section 3.04, Paragraph 8 of the Texas Low-Level Radioactive Waste Disposal Compact, I am pleased to provide the 2020 annual report of the Texas Low-Level Radioactive Waste Disposal Compact Commission ("TLLRWDCC" or "Commission"). The Commission is the result of a federal law which created an interstate compact whose member states are Texas and Vermont. It was created 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 from international sources.

This annual report provides: (1) a review of the mission statement of the TLLRWDCC; (2) the current organizational structure including board members and term expiration dates; (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. All independent audits conducted on behalf of the TLLRWDCC in compliance with the Compact are provided on the TLLRWDCC web-site at www.tllrwdcc.org. The most recent audit the Commission has received from its auditors is attached to this report.

1. Mission Statement:

It is the mission of the TLLRWDCC to promote the health, safety and welfare of the citizens and the environment of the Compact's party states; to ensure the safe, effective, efficient, and economical disposal and management of low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits and obligations among party states of this process; all in accord with the terms of the Compact. The primary activities of the Commission involve review and approval or denial of requests to ship waste from states other than Vermont and Texas to the Compact facility in Andrews, TX. Shipments from other states into the facility are called "imports." (See Table 2 below). From time to time, the Commission also receives requests to authorize "exports" of low-level radioactive waste from generators located in Texas or Vermont to a facility in another state (Table 3 below).

The TLLRWDCC and its members have the powers and duties prescribed by the compact and the members of the Commission are responsible for administering the provisions of the compact. Texas and Vermont are the party states to the Compact. The party states recognize a responsibility for each state 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). They also recognize the United States Congress, by enacting the Act, has authorized, and encouraged states to enter compacts for the efficient management and disposal of low-level

radioactive waste. It is the stated policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economic management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for and facilitate such a cooperative effort.

2. Organizational Structure and Texas Sunset Advisory Commission Review:

The TLLRWDC's governing body is composed of six volunteer Commissioners appointed by the Governor of Texas and two Commissioners appointed by the Governor of Vermont. To support the Commissioners, the TLLRWDC has previously contracted with one Executive Director who was responsible for managing the Commission's day-to-day operations and one Deputy Executive Director who provided support. During the past year, the Commission selected Megan Reed as the new Assistant Executive Director. Commissioners and their term expiration dates are provided below in Table 1.

Table 1: Board Members and Term Expiration Dates

Commissioner	Term Expiration Date
Brandon T. Hurley, Chair, TX	August 31, 2025
John Salsman, Vice Chair, TX	August 31, 2023
Peter Bradford, VT	Vermont Commissioners serve at the pleasure of the Governor of Vermont
Hon. Richard H. Dolgener, TX	August 31, 2021
Lisa Edwards, TX	August 31, 2023
Jeff Mundy, TX	August 31, 2025
Richard Saudek, VT	Vermont Commissioners serve at the pleasure of the Governor of Vermont

In 2013 the Texas Legislature passed a measure to require the Texas Low Level Radioactive Waste Disposal Compact Commission to undergo a review by the Sunset Advisory Commission as part of the review of the Texas Commission on Environmental Quality. Since the Texas Low Level Radioactive Waste Disposal Compact Commission was created through an act of

Congress, this review may not result in abolishment, but may lead to changes in duties and responsibilities under Texas law. If you have any questions about this process or the current review, please contact our executive director, Stephen Raines.

3. Approved Import and Export Waste Volumes:

There are active import agreements entered by the Commission and out-of-compact generators which may have resulted in waste shipments during 2020. 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 proposed 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) associated with the waste proposed for disposal estimated at the time of receipt of the waste at the Compact Waste Facility in Andrews, Texas.

Table 2: Import Agreements Impacting 2020

Petitioner	Volume (ft ³)	Curies State
ADP CR3	150.2	.51 Florida
ADP CR3	4,800	8.5 Florida
Alaron	240.6	112.71 multiple
Alaron Nuclear Services	21.61	139.8 multiple
Ameriphysics	7.5	340 multiple
APS	601.5	140.77 Arizona
Arizona Public Service	1476.7	120.87 Arizona
Bionomics, Inc.	39.88	91.96 multiple
Bionomics, Inc.	50.86	77.17 multiple
DC Cook Plant	291.1	4.64 Michigan
Duke Energy-Brunswick	111.4	14,939.32 North Carolina
Energy Solutions	240.6	1,939.52 multiple
Energy Solutions	122.6	116.85 multiple

Exelon	557.7	455.29 Illinois
Exelon	601.5	366.62 Pennsylvania
Holtec Decommissioning	4,481.2	92.18
Int.	632.7	113.37 Michigan
Indiana Michigan Power-		
DC Cook Plant	116	21,920.97 Minnesota
NextEra Duane Arnold	457.5	59.34 Massachusetts
PerkinElmer	9.7	1.05
Philotechnics	384.92	158.04 California
PG&E-Diablo Canyon		
Canyon Power Plant		
RAM Services	49.1	105.41 multiple
Southern Nuclear Co-Vogtle	291.6	214.06
Tennessee Valley Authority	222.8	38,379.69 Tennessee
Tennessee Valley Authority	1,953.6	220.48 Tennessee
Thomas Gray and Associates	7.5	4.42 multiple

Union Electric Ameren Missouri	205.8	.4 Missouri
US Army -Joint Munitions Command	300	8.59 multiple
Xcel Energy	781	265.73
Xcel Energy Prairie Island	33.8	3.22

The Commission has issued export authorizations which may have resulted in low level radioactive waste being shipped out of the Compact during 2020. These agreements are detailed below in Table 3.

Table 3: Export Agreements Impacting 2021

Petitioner	Volume (ft ³)	Curie Content State
Bionomics	60	.5
Excel Diagnostics	7	.1

4. Revenue Associated with Agreements Approved by the TLLRWDCC:

As a result of import agreements entered during 2020 and 2021, a number of shipments were made by out-of-compact generators to the Compact Waste Facility in Andrews, TX. Each of these out-of-compact shipments resulted in a fee of 10% for Q1 to Q3 2020, and 20% for Q4 2020 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 2021 are listed below in Table 4. Also provided in Table 4 are the annual out-of-compact disposal fees collected each year since 2015; when the Compact Waste Facility began taking out-of-compact radioactive waste.

Table 4: Breakdown of Fees from Out –of-Compact Disposal - FY 2021

Description	Quantity (\$)
1 st Quarter 2021	51,367.03
2 nd Quarter 2021	408,651.13
3 rd Quarter 2021	19,868.81
4 th Quarter 2021	60,298.10
Total Fees 2020	2,610,464.48
Total Fees 2019	2,885,763.34
Total Fees 2018	2,091,621.46
Total Fees 2017	4,699,561.12
Total Fees 2016	3,132,315.05

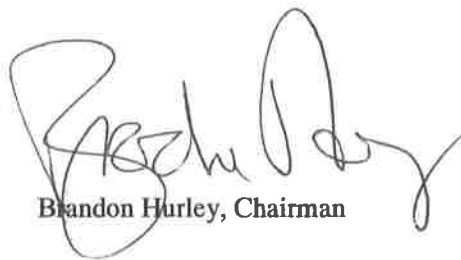
Total Fees 2015 11,037,231.18

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 of the Compact Waste Facility. Specifically, each import application is reviewed by the Technical Committee of the TLLRWDC to ensure the requested volume and curies, when added with other authorized shipments, will not impinge upon the capacity needed by party state generators.


As of December 2021, the total volume of waste disposed of in the Compact Waste Facility (211,872 cubic feet) totals 2.35% of the permitted volumetric capacity at the Compact Waste Facility and the total curies associated with these same volume of disposal waste (578,334 Ci) totals less than 15.6% of the total 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.



Brandon Hurley, Chairman

Respectfully Submitted,



John Salsman, Vice- Chairman

CC: Peter Bradford
Hon. Richard H. Dolgener
Lisa Edwards
Linda Morris
Jeff Mundy
Richard Saudek