

TITLE 31 NATURAL RESOURCES AND CONSERVATION
PART 21 TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
COMPACT COMMISSION

CHAPTER 675 OPERATIONAL RULES
SUBCHAPTER EXPORTATION AND IMPORTATION OF WASTE

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RULE §675.24 Requirement to Report on the Importation of Certain Low-Level Radioactive Waste for Management or Disposal that is not Required to be Disposed of in the Compact Facility

(a) This section is applicable only in the host state.

~~(b) This section is applicable only to State of Texas licensed waste processors or, waste brokers, or and source consolidators, of certain radioactive waste (LLRW) that is included within the definition of low-level radioactive waste found in 30 TAC 336.2(89) (relating to Definitions) as the definition is in effect on the date this section becomes effective, or as 30 TAC 336.2(89) may be amended or renumbered in the future.~~

~~(c)~~ This section is designed to gather information on the importation into the host state for disposal or management of certain low-level radioactive waste that:

~~(1) is required when shipped to be listed on Nuclear Regulatory Commission (NRC) Forms 540 or 541 (Uniform Low-Level Waste Manifest Shipping Forms);~~

~~(2) is included within the definition of low-level radioactive waste found in 30 TAC §336.2(89) (relating to Definitions) as the definition is in effect on the date this section becomes effective or as 30 TAC §336.2(89) may be amended or renumbered in the future, but is not intended for disposal in the Compact Waste Facility;~~

~~(13) is not low-level radioactive waste described by 42 United States Code, §2021c(b)(1) (relating to waste disposal for which the Federal government is responsible) or waste that is regulated under §675.23 of this title (relating to Importation of Waste from a Non-Party Generator for Disposal); and~~

~~(4) for the purposes of this section, the material described in this subsection will be referred to as Non-Compact Facility Low-level Radioactive Waste ("NCFW"). 43 TexReg 1874 March 23, 2018 Texas Register~~

~~(2) is required by regulation, when shipped, to be listed on Nuclear Regulatory Commission (NRC) Uniform Low-Level Waste Manifest Shipping Forms or other shipping paperwork (including but not limited to Bill of Lading, Hazardous Waste Manifest, or other manifest); or~~

~~(3) is radioactive material being received for processing, recycling or consolidation and becomes low level radioactive waste as a result of the processing, recycling or consolidation ; and becomes low-level radioactive waste as a result of the processing, recycling, consolidation,~~

including radioactive waste imported into the Compact under NRC 10 CFR Part 110 (under a general or specific license) for processing, recycling or consolidation;

(4) for the purposes of this section, the material described in this subsection will be referred to as Non-Compact-Facility Low-level Radioactive Waste ("NCFW").

(5) for the purposes of this section, management is defined by the definition in Texas Administrative Code 675.20 (d) (14).

(d) Any entity in the host state that imports NCFW or other radioactive material, all or part of which is will subsequently constitute ~~declared~~ or, after management, result in NCFW, must enter into an agreement with the Commission that contains a requirement that the importing entity ~~it~~ will report to the Commission on a monthly ~~semi-annual~~. ~~(c) Any entity in the host state that imports NCFW must enter into an agreement with the Commission that contains a requirement that it will report to the Commission on a semi-annual~~ basis the following information with respect to each shipment of NCFW that it has received in the previous ~~six-month period~~ month: {

(1) the name of the generator; {

(2) the name of the unaffiliated state, territory, or low-level waste compact (if any), ~~or foreign country of origin (including State and City)~~ where the waste originated;

(3) the activity of the waste in curies;

(4) the gross volume or weight of the waste; the date of receipt; whether the waste is being ~~stored, processed, recycled, consolidated, disposed, or otherwise managed; provided, stored, processed, or otherwise managed; provided, however, that waste that has been disposed of in the same reporting period in which it was received shall only report gross volume or weight;~~ and

(5) the physical location ~~of~~ where each stage of management occurs ~~or~~ and the date of and physical location of disposal of ~~that~~ the originally imported waste and any resulting or residual waste. ~~(5) the physical location of management or the date of and physical location of disposal of that waste.~~

(6) Documentation ~~or~~ and other supporting information to address the requirement for an export agreement from another compact.

(7) Federal documentation supporting import/export of waste from a foreign country, including import/export under 10 CFR Part 110.

(e) Waste must be reported each reporting period until the waste has been returned to the generator, sent out of the compact for disposal or additional processing, or disposed of within the Compact;

(f) If a change in material classification occurs for any material in the possession of the agreement holder (such as radioactive material being reclassified as LLRW due to processing, recycling, or consolidation or other ~~factors~~ reason), then that LLRW must be reported during the next reporting period, and subsequent reporting periods;

(g) ~~Monthly Semi-annual~~ reports must be submitted electronically on forms provided ~~or approved~~ by the Commission and must be ~~received~~ submitted before the ~~15th~~ 31st day ~~after the end of each six of the~~

month ~~period of the Commission's fiscal year, which begins on September 1 and ends on August 31.~~ An entity may file its ~~monthly semi-annual~~ report on its own form if the Commission has provided its prior written authorization for the form submitted. The report shall only contain information concerning NCFW as defined in this section.

(~~ie~~) An entity that imports ~~low-level radioactive waste into the host state as described in subsection (c) of this section~~ NCFW into the host state must ~~shall~~ have entered into an agreement with the Commission within 90 days after the effective date of this section or within such time extensions thereafter as the Commission may allow. ~~New entrants that import waste into the host state as described in subsection (c) of this section~~ Entities formed after the effective date of this rule or that apply to import waste into the host state must enter into an NCFW agreement with the Commission within 30 days of commencement of management operations and prior to importing NCFW. To the maximum extent possible, each agreement entered into under this section will contain provisions identical to those in each other agreement entered into under this section.

(~~if~~) An entity that imports NCFW waste into the host state ~~as described in subsection (c) of this section~~ shall submit an application for entry into an agreement with the Commission electronically or on a paper ~~on a form~~ authorized provided by the Commission.

(~~kg~~) Failure on the part of an entity that imports NCFW waste into the host state as described in subsection (~~de~~) of this section to comply with any provision of this section or the agreement entered into pursuant to subsection (~~id~~) of this section may result in the Commission reporting such failures to the ~~host state or federal~~ agency that has licensed, permitted, or ~~otherwise~~ authorized the operation of such ~~entities~~ entity ~~entities~~.

(~~lh~~) The Commission may unilaterally revoke or amend an NCFW agreement ~~on its own motion or in response to an application by the agreement holder~~. When the Commission amends an NCFW agreement ~~on its own motion~~, it may provide a reasonable time to allow the other party to the agreement ~~holder~~ to make the changes necessary to comply with any additional requirements imposed by the Commission. No importation of NCFW shall be allowed under any amended an NCFW agreement for the importation of NCFW until:

- (1) the NCFW agreement or any amendment to the NCFW agreement has been executed by both the Commission and the agreement holder; and
- (2) the agreement holder has made any changes necessary to comply with additional requirements.