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| **Texas Register** |

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| TITLE 31 | NATURAL RESOURCES AND CONSERVATION |
| PART 21 | TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION |
| CHAPTER 675 | OPERATIONAL RULES |
| SUBCHAPTER B | EXPORTATION AND IMPORTATION OF WASTE |
| 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 |
| ISSUE | 01/12/2024 |
| ACTION | Proposed |

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| [Preamble](https://texreg.sos.state.tx.us/public/regviewer$ext.RegPage?sl=T&app=2&p_dir=N&p_rloc=428235&p_tloc=-1&p_ploc=&pg=1&p_reg=202304980&z_chk=52247&z_contains=) |  | [Texas Admin Code Rule](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=5&p_dir=&p_rloc=190321&p_tloc=&p_ploc=&pg=1&p_tac=190321&ti=31&pt=21&ch=675&rl=24) |

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| (a)This section is applicable only in the host state.  (b)This section is applicable only to State of Texas licensed waste processors or brokers, or 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. 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").  (c)[~~(b)~~] 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;]~~    (1)[~~(3)~~] 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     (2)is required, 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 is subsequently declared to bebecomes 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 wastematerial imported into the Compact under NRC 10 CFR Part 110 (under a general or specific license) for processing, recycling or consolidation and is subsequently declared low level radioactive waste;     (4)The information gathering associated with radioactive waste described in (c)(3) does not begin until after the radioactive material is declared waste by the processor, recycler or consolidator.  ~~[(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").]~~  (d)[~~(c)~~] Any entity in the host state that imports NCFW or radioactive material which is subsequently declared NCFW must enter into an agreement with the Commission that contains a requirement that it will report or make available for review as detailed below to the Commission on a monthly [~~semi-annual~~] basis the following information with respect to each shipment of NCFW that it has received in the previous month [~~six-month period~~]:    (1)report the name of the generator;    (2)report 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 (including State and City);    (3)report the activity of the waste in curies;    (4)report the gross volume or weight of the waste; the date of receipt; the date of processing (if and when this occurs, whether the waste is being stored, processed, disposed, 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)report the physical location of management or the date of and physical location of disposal of that waste.     (6)make available for review documentation or supporting information to address the requirement for an export agreement from another compact.     (7)make available for review 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 possession of the agreement holder (such as radioactive material being reclassified as LLRW due to processing, recycling, or consolidation or other factors), then that LLRW must be reported during the next reporting period, and subsequent reporting periods;  (g)[~~(d)~~] Monthly [~~Semi-annual~~] reports must be submitted electronically on forms provided or approved by the Commission and must be received [~~submitted~~] on orbefore the 15th [~~31st~~] day of the month [~~after the end of each six-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.  (h)[~~(e)~~] An entity that imports [~~low-level radioactive waste into the host state as described in subsection (c) of this section shall~~] 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.  (i)[~~(f)~~] 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.  (j)[~~(g)~~] Failure on the part of an entity that imports NCFW [~~waste~~] into the host state as described in subsection (d) [~~(e)~~] of this section to comply with any provision of this section or the agreement entered into pursuant to subsection (i) [~~(d)~~] 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.  (k)[~~(h)~~] 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 an NCFW [~~any amended~~] 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.  The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.  Filed with the Office of the Secretary of State on December 27, 2023  **TRD-202304980**  Stephen Raines  Executive Director  Texas Low-Level Radioactive Waste Disposal Compact Commission  Earliest possible date of adoption: February 11, 2024  For further information, please call: (512) 350-6241 |