

Texas Low-Level Radioactive Waste Disposal Compact Commission

Stephen Raines, Executive Director

1502 West Avenue Austin, TX 78701

www.tllrwdcc.org

Chair

Brandon T. Hurley, TX

Vice-Chair

John M. Salsman, TX

Commissioners

Peter Bradford, VT

Lisa Edwards, TX

Linda Morris, LMP, TX

Jeff Mundy, TX

Sumana Nayak, TX

Richard Saudek, VT

January 31, 2024

The Honorable Greg Abbott, Governor of Texas
P.O. Box 12428
Austin, TX 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 David Zuckerman, Montpelier, Lieutenant Governor of Vermont
115 State Street
Montpelier, VT 05602

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

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

Subject: Annual Report for 2023 TLLRWDC Activities

Dear Governor Abbott, Governor Scott, Governor Patrick, Governor Zuckerman, 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 (“TLLRWDC” or “Commission”). The Commission is the product 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 international sources.

This annual report provides: (1) a review of the mission statement of the TLLRWDC; (2) the current organizational structure of the Commission 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 TLLRWDC 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 TLLRWDC in compliance with the Compact are provided on the TLLRWDC web-site at www.tllrwdc.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 TLLRWDC 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 TLLRWDC 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 into 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 contracts with one Executive Director who is responsible for managing the Commission's day-to-day operations and one Deputy Executive Director who provides support. Board members and their term expiration dates are provided below in Table 1.

Table 1: Board Members and Term Expiration Dates

Board Member	Term Expiration Dates
Brandon Hurley (Chair)	August 31, 2025
John Salsman (Vice-Chair)	August 31, 2023
Linda Morris, LMP	August 31, 2027
Jeff Mundy	August 31, 2025
Sumana Nayak	August 31, 2027
Lisa Edwards	August 31, 2023
Peter Bradford (Vermont)*	
Richard H. Saudek (Vermont)*	

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

3. Approved Import and Export Waste Volumes

There are active import agreements entered by the Commission with out-of-compact generators of low-level waste which may have resulted in waste shipments to the facility in Andrews, Texas during 2023. 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 2023

Petitioner	Volume (ft ³)	Curies	State
ADP CR3	3,873	627	Florida
Ameren Missouri	561	254	Missouri
Alaron Nuclear Services	110	30	multiple
Arizona Public Service	1172	210	Arizona
Army Joint Munitions Command	300	9	Tennessee
Bionomics, Inc.	241	231	multiple
Constellation	1,520	3,823	Pennsylvania
C+C Environmental	15	4	multiple
Dominion North Anna	120	60	Virginia
Duke Energy-Brunswick	56	12,267	North Carolina
DTE Fermi Power Plant	113	6,062	Michigan
Energy Solutions	51	27	multiple
Energy Solutions Omaha Public Power District	56	4,118	Nebraska
Energy Solution San Onofre Nuclear Generating Station	458	1,912	California
Entergy Grand Gulf	450	48,116	Mississippi
Holtec Decommissioning International	24,240	681	multiple
NAC Philotechnics	15	18	multiple
PerkinElmer	98	40	Massachusetts

PG&E-Diablo Canyon Power Plant	385	134	California
RAM Services	53	106	Wisconsin
Southern Nuclear Co-Vogtle	498	114	Georgia
Talen Energy Susquehanna Power Plant	446	27,490	Pennsylvania
Tennessee Valley Authority	2029	59,401	Tennessee
Wolf Creek Nuclear Operating Company	655	10	Kansas
Xcel Energy-Monticello	597	76	Minnesota
Xcel Energy Prairie Island	396	396	Minnesota

The Commission has issued one export authorization to Bionomics which may have resulted in low level radioactive waste being shipped out of the Compact to Tennessee during 2023. The Commission also authorized exports by the two in-state nuclear power facilities, but only for exigent circumstances. Those facilities have not exported waste.

4. Revenue Associated with Agreements Approved by the TLLRWDC

As a result of import agreements entered into in 2022 and 2023, 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 2023 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.

Description	Quantity
1 st Quarter 2023	1,298,599.10
2 nd Quarter 2023	797,540.26
3 rd Quarter 2023	647,731.55
4 th Quarter 2023	1,892,349.05

Total Fees 2023	4,636,219.96
Total Fees 2022	2,834,081.47
Total Fees 2021	2,286,280.93
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

Table 4: Breakdown of Fees from Out-of-Compact Disposal - FY 2023

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

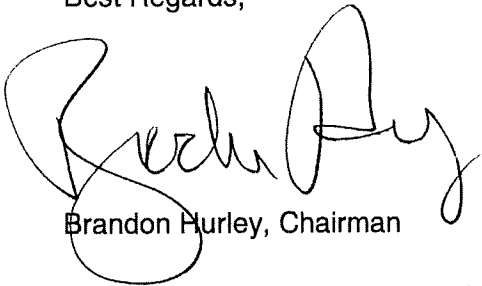
Another primary mission of the TLLRWDC is to ensure adequate capacity exists at the Compact Waste Facility in Andrews County for both party states' generators of low-level radioactive waste. To this end, each application is reviewed to ensure the proposed disposal of out-of-compact generators will not 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.

The Commission recently instituted a new program to monitor availability of capacity in connection with approved agreements for importation of out of compact waste based on the current disposal capacity that is currently left at the Andrews Facility. The current constructed capacity allows for 450,000 cubic feet of waste. As of December 31, 2023, the total volume of waste disposed of in the Compact Waste Facility is 307,687 cubic feet. To ensure the Commission does not authorize a volume of imported waste than is more than the remaining capacity (and taking into account the capacity needed by in-compact generators), current importation agreements include an administrative approval process for importation of waste at the time the generator is prepared to ship to ensure adequate capacity exists. This program will continue until the next phase of construction is completed at the Compact Waste Facility and approved by the Texas Commission on Environmental Quality (which WCS has suggested will be in the first quarter of this year).

The total volume disposed of at the Compact Waste Facility as of December 31, 2023 totals 3% of the permitted (not constructed) volumetric capacity of the Compact Waste Facility and the total curies associated with these same volumes of disposed waste (563,448 Ci) total less than 19% 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.

Best Regards,

A handwritten signature in black ink, appearing to read "Brandon Hurley". The signature is fluid and cursive, with a large loop at the end.

Brandon Hurley, Chairman

A handwritten signature in black ink, appearing to read "John M. Salsman". The signature is cursive and somewhat stylized, with a long horizontal stroke at the end.

John M. Salsman, Vice-Chairman

Attachment: 2022 Audit of the TLLRWDC

CC: Linda Morris, Commissioner
Jeff Mundy, Commissioner
Sumana Nayak, Commissioner
Lisa Edwards, Commissioner
Richard H. Saudek, Commissioner
Peter Bradford, Commissioner