

**TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL  
COMPACT COMMISSION**

AGENDA

December 10, 2009

9:00 AM

Texas State Capitol  
Extension Auditorium, E1.004  
1400 North Congress  
Austin, Texas 78701

**The Compact Commission will convene at 9 A.M on December 10, 2009 and consider, receive public comment, discuss and take formal action as appropriate on items on its agenda until it adjourns on December 11, 2009. After formalities, the first item of business that the Commission will conduct on December 10, 2009 will be a meeting with stakeholders to discuss the formation of a rule relating to the export and import of low-level radioactive waste and the imposition of import and export permit fees. The Commission may or may not finish this discussion on December 10, 2009 and may or may not consider other agenda items on December 10. At an appropriate time on December 10, 2009 the Commission will recess until 9 A. M. on December 11, 2009 at which time the Commission will continue to consider items on its agenda until it adjourns.**

1. Call to Order
2. Roll Call and Introduction of new Vermont Commissioners
3. Introduction of Guests

**STAKEHOLDER MEETING**

4. Stakeholder discourse regarding a proposed new rule governing the following processes:
  - a. Exportation of low-level radioactive waste for management and/or disposal pursuant to Sections 2.01(4), 2.01(11), 3.05(7), 3.05(8), 6.01, and 6.03 of the Texas Low-Level Radioactive Waste Compact (P.L. 105-236) as compiled in Chapter 403, Texas Health and Safety Code.

- b. Importation of low-level radioactive waste for management or disposal pursuant to Sections 2.01(4), 2.01(11), 3.05(6), 6.02 and 6.03 of the Texas Low-Level Radioactive Waste Compact (P.L. 105-236) as compiled in Chapter 403, Texas Health and Safety Code.
- c. The imposition of import and export permit fees to reasonably support the operations of the Commission pursuant to Sections 3.05(6), 3.05(7), and 3.05(8) of the Texas Low-Level Radioactive Waste Compact (P.L. 105-236) as compiled in Chapter 403, Texas Health and Safety Code.

### **REGULAR AGENDA**

- 5. Approval of minutes from the August 19, 2009, meeting.
- 6. Receive comments from the Department of Energy, National Nuclear Security Administration, regarding project collecting sealed radioactive sources from within the US and seeking a solution for final disposition - Abigail Cuthbertson
- 7. Receive comments from the Texas Commission on Environmental Quality and Waste Control Specialists regarding status of facility license and license conditions, ratemaking timeline and projection for opening of site.
- 8. Discussion and possible action on funding, budget and Commission operations:
  - a. Status of Commission funding
  - b. Public Comment
  - c. Discussion and possible action to approve contracts between the Compact Commission and TCEQ for travel and operating monies.
- 9. Discussion and possible action to contract or hire for services necessary to carry out Commission duties and functions per Texas Low-Level Radioactive Waste Disposal Compact, Sec. 3.05(1) and (3), to include:
  - a. Certified Public Accountant for accounting and independent audit services
  - b. Legal representation for actions of the Commission
  - c. Other services as determined by the Commission (i.e., telephone, etc.)
- 10. Export and Import of low-level radioactive waste
  - a. Discussion of Stakeholder Meeting of December 10, 2009
  - b. Public Comment

- c. Discussion of and possible vote to approve for publication a new Rule 675.2 to be captioned "Exportation and Importation of Waste," to be contained in Chapter 675, Part 21, Title 31, Texas Administrative Code, governing export and import of low-level radioactive waste and fees associated with the export and import permitting processes as provided for in Sections 2.01(4), 2.01(11), 3.05(6), 3.05(7), 3.05(8), 6.01, and 6.03 of the Texas Low-Level Radioactive Waste Compact (P.L. 105-236) as compiled in Chapter 403, Texas Health and Safety Code.
11. Consideration of and possible vote to approve generator petitions for export of low-level radioactive waste to management and disposal facilities outside of the Texas Compact
  - a. Petitioner: Luminant Generation Company LLC ("Luminant"), owner of the Comanche Peak Nuclear Power Plant ("Comanche Peak"), with the principal offices of Luminant located at 500 N. Akard St., Dallas, Texas 75201
  - b. Petitioner: STP Nuclear Operating Company ("STPNOC"), PO Box 289, Wadsworth, Texas 77483
  - c. Petitioner: Vermont Yankee Nuclear Power Station, an affiliate of Energy Nuclear Operations, Inc., with principal office of Entergy Nuclear Operations, Inc., located at 440 Hamilton Ave., White Plains, New York 10601
  - d. Petitioner: Southwest Research Institute
12. Consideration of and possible vote on amendments to the out-of-state disposal permits granted on October 15, 2009, to Texas A&M University to clarify whether the permits cover all components of the Texas A&M University System
13. Consideration and possible action with regard to communication to be sent to all known generators of low level radioactive waste informing them of the provisions of :
  - a. Sections 3.05(7), 6.01, and 6.03 of the Texas Low-Level Radioactive Waste Compact (P.L. 105-236) as compiled in Chapter 403, Texas Health and Safety Code, and
  - b. Section 3.05(8) of the Texas Low-Level Radioactive Waste Compact (P.L. 105-236) as compiled in Chapter 403, Texas Health and Safety Code.
14. Consideration and possible action on adoption of a resolution allowing generators to petition the Commission for export approvals.
15. Meeting participations – Report and possible actions on:
  - a. Report on LLW Forum and RadWaste Summit meetings in September 2009

- b. Invitation to participate in LLW Forum Symposia in Phoenix, AZ, in March 2010
- 16. Bylaws – Discussion and possible action to adopt
- 17. Records retention policy – Discussion and possible action to adopt
- 18. Plan for annual report of the Commission – Discussion and possible action
- 19. Update from Commissioner Wilson regarding status of litigation in Energysolutions L.L.C. v. State of Utah, Case No. 09-4122; In the 10<sup>th</sup> Circuit Court of Appeals
- 20. Agenda items for next meeting
- 21. Selection of next meeting date and location
- 22. Public Comment
- 23. Adjourn

The Texas Low-Level Radioactive Waste Disposal Compact Commission may meet in Closed Session on any item listed above if authorized by the Texas Open Meetings Act, Chapter 551, Texas Government Code.