

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
COMPACT COMMISSION

AGENDA FOR STAKEHOLDER MEETING
August 7, 2009

10 a.m. - 2 p.m.
Courtyard by Marriott
Room: Brazos 3
300 E. 4th Street
Austin, TX 78701

1. Call to Order
2. Introduction of Guests
3. Discussion of a proposed new rule governing export 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.
4. Discussion of a plan to establish rules and procedures relating to 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
5. Adjourn

The Texas Low-Level Radioactive Waste Disposal Compact Commission invites public comment on the agenda items.

Summary of Verbal Comments Received:

Agenda Item #3 - Draft rule on exportation

Generators Perspective:

1. Utilities
 - a. Definitions: need clarity on terms. Incorporate Compact language
 - b. Petition form in rule: Do not include verbatim structure of form in body of rule or appendix.

c. Reasonable time frame: [GC2005]

i. What is the lead time for submittal of petitions for both regularly scheduled meetings and special meetings - considerations need to include administrative and technical reviews

1. Consider thresholds for both administrative and technical approvals

ii. Delegation of authorities for alternate approval paths

iii. Pre-approval of export petition meeting certain conditions.

d. Delegation of authorities for various approvals under specified conditions.

e. Terms of petition should be as determined by the Commission and not stipulated within the rule.

f. A reasonable response time frame by the Commission should be stipulated.

g. Whatever actions taken with regard to permit be reduced to writing (e.g., a permit)

h. If the Commission acts to approve a petition and then later chooses to amend, suspend, revoke, or terminate the petition - a period of exchange by the affected petitioner should be provided prior to action.

i. Criteria considered by Commission:

- i. Consider the extent to which Compact Facility can accommodate volume of waste being petitioned for export.
 - ii. Consideration of long-term affects on disposal facility regarding economic disposal options.
- j. Form of Petition:
- i. Do not limit to Class A waste.
 - ii. Ultimate volume of waste to be disposed at disposal facility is not known – only the volume of waste exiting the generator site is known.
- k. Ultimate conditions approved by the Commission are not known at the time of submittal. Submitter cannot acknowledge and agree to those in advance.
- l. Fees: fiscal note does not contemplate the condition of fees.

2. Non-utility Generators

a. Texas A&M University

- i. Question on Waste Acceptance Criteria: what is permissible?
ANS: WAC includes *most* forms of LLRW

3. Public Comment:

- a. Requested, but none offered.

Compact Facility Perspective:

- 1. Temporal limits on petitions: time periods should be as short as necessary to satisfy the *near-term* needs of the petitioner.

- a. Lengthy terms on export permits may not acknowledge that exportation is no longer a necessity. Should not be open-ended.
2. Rule needs to accommodate the normal changes in disposal volumes over time (generally in a downward decline).
3. Should consider the option of storage prior to disposal.
4. Need for generators to reconcile petitioned volumes against disposed volumes. Was entire waste volume for which export was sought ultimately exported and disposed and/or managed as intended?
5. Commission should consider the costs involved in balancing export vs. in-compact disposal, e.g., economic impacts to county, state, compact facility and petitioner.
6. RE 675.2c – add requirement for petitioner to serve Compact Facility with notice of petition to Compact Commission
7. General Comments:
 - a. Good to have dialogue in advance of proposal
 - b. Importation and exportation need to be discussed and acted upon in a reasonable time frame with equal emphasis. Comment received:
Utility generator preference is for two rules on parallel path.
 - c. Compact Facility has exclusive rights, subject to Commission action, to Compact LLRW and pursuant to framework of regulation. Initial assumptions include no exportation of LLRW that meets WAC.

- d. Exportation has negative revenue impacts with state, county and facility with higher rates for generators. Whereas importation improves economics of all.

Agenda Item #4 - Discussions on Importation

Generators Perspective:

1. Utilities

- a. ARDT supports a system that will manage the importation of LLRW for management or disposal – should result in lower compact facility disposal rates and should maintain the preferential access to the capacity of the facility. See official public statement.
- b. Consideration needs to include the exportation of compact waste for the purpose of processing, possible remanifesting (i.e., the vendor taking title to the waste) and then seeking to dispose within the Compact.
- c. Atlantic Compact has addressed many of the issues being discussed. Important to look at their experiences.

2. Non-utility Generators

- a. Criteria need to be known early on.
- b. DOD Executive Agency: manages all DOD waste. Excluded from federal facility because that is licensed only for DOE LLRW.

3. Public Comment:

- a. Requested. None offered.

Compact Facility Perspective:

1. Small generators can be well served by importation.
2. Can be accomplished safely, protective of the environment and preserving the needs of the Compact generators.
3. "Value Importation" describes the approach being developed by the Compact Facility.
4. Benefits of importation can be passed along to Compact generators.
5. Value to state and county through increased revenue and jobs.
6. Increased confidence in operations equates to lowered risk and uncertainties in rate setting process.
7. Need to understand path forward and timing.
8. Whether or not importation is allowed has significant impact on rate case.