TRANSCRIPT OF PROCEEDINGS

BEFORE THE

RULES COMMITTEE OF THE

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

COMPACT COMMISSION

FRIDAY, MAY 29, 2015

9:30 A.M.

MEETING SITE:

Bluebonnet Conference Room

Doubletree Suites

303 West 15th Street

Austin, Texas 78701
APPEARANCES

RULES COMMITTEE:

LINDA MORRIS, COMMISSIONER, LMP TEXAS
CLINT WEBER, COMMISSIONER, TEXAS
RICHARD H. SAUDEK, COMMISSIONER, VERMONT
JOHN SALSMAN, CHP VICE-CHAIR
JAMES "JIM" CROWSON, OFFICE OF THE ATTORNEY GENERAL
LEIGH ING, EXECUTIVE DIRECTOR
AUDREY FERRELL, EXECUTIVE ASSISTANT
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>11</td>
</tr>
<tr>
<td>20</td>
</tr>
<tr>
<td>24</td>
</tr>
<tr>
<td>26</td>
</tr>
<tr>
<td>27</td>
</tr>
</tbody>
</table>

## APPEARANCES

- EDDIE SELIG
- KENNETH KRIEGER
- DAN SHRUM
- ROBERT KNAPP
- DAVID MARTIN

## PROCEEDINGS CONCLUDED

## REPORTER'S CERTIFICATE

## EXHIBIT INDEX

<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>MARKED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2015 Rulemaking Revisions to Chapter 675, Subchapter B: Proposed New 675.20 and Proposed Amendments to 675.21 through 675.23</td>
<td>5</td>
</tr>
</tbody>
</table>
COMMISSIONER MORRIS: Welcome to the stakeholders meeting for the Texas Low-Level Radioactive Waste Disposal Compact Commission. This meeting was -- is required -- not required stakeholders meeting -- but this is in reference to some proposed rules that have been published in the Texas Register.

As you-all know, we are making changes in 675.20, .21, .22 and .23, and the purpose of this meeting today is to simply receive input from generators and waste processors and anyone else that's interested in this whole project.

The comment period that you probably all know ends June 22nd. So this is probably as good of time as any to -- that's the 45 days from the date that was published in the Texas Register. So we appreciate your being here today to provide input to us.

Jim Crowson's office has been kind enough to provide us copies of the rules. Hopefully everyone has picked up one of those. They are lined -- they are numbered, the lines are numbered and page numbered. So when you come up -- if you come up to make a comment or provide us some information, please, if you would, refer
to the page number and the line number so we'll know
exactly where you are.

Also when you come up, we ask you to come
to the microphone up here at the podium and identify
first yourself and your affiliation so we will have it
for the record. We are actually not only having this --
this session videotaped, but also a transcript, a
written transcript prepared. So that will make it
easier for all of us to look back at the comments, make
sure we address all of your concerns this morning.

Anyway, so let's -- we'll be glad to get
started and --

MR. CROWSON: Madam Chairman, may I make a
couple of --

COMMISSIONER MORRIS: Yes, let me --

MR. CROWSON: -- housekeeping comments?

COMMISSIONER MORRIS: Yes.

MR. CROWSON: We would -- we would ask,
Madam Reporter, that this be an exhibit to the
transcript that you're making.

THE REPORTER: Okay.

(Exhibit No. 1 marked)

MR. CROWSON: And we would also ask that
any of the commenters who have something to submit in
writing, that they submit it to the reporter as well,
and that will be also appended to the transcript.

COMMISSIONER MORRIS: Thank you, Jim.

And also I'm remiss in not introducing the people here at the table. On my right, we have the Commission Vice-Chair, John Salsman, also a member of the Rules Committee. We have Commissioner Clint Weber, who is sitting in today and helping us out. Thank you, Clint, for taking an extra day out of your schedule.

Myself, Linda Morris, I'm Chair of the Rules Committee. We have our Counsel, Jim Crowson, and we have Richard Saudek representing Vermont on the Commission. He's also a member of the Rules Committee.

I just want to say how hard this Rules Committee has worked and how much we appreciate the assistance of -- the work that the Rules Committee has done. This has not been a short process by any means. And also I must mention how appreciative we are of the work provided by Leigh Ing and Audrey Ferrell.

Audrey, thank you for setting up this meeting this morning, so we appreciate that.

Okay. I think that's -- any other comments before we actually get started receiving information?

Leigh, anything else you can think of we
need to do?

MS. ING: No.

COMMISSIONER MORRIS: Okay. All right.

So do we have a volunteer? Who wants to be first?

COMMISSIONER SAUDEK: Don't be shy.

(Laughter)

COMMISSIONER MORRIS: Otherwise this is going to be a very short meeting.

MR. CROWSON: We may look grumpy, but we're really not.

COMMISSIONER MORRIS: It's early, but still not that early.

So is anybody ready to come up and say something?

COMMENTS BY EDDIE SELIG

MR. SELIG: I'll --

(Simultaneous discussion)

COMMISSIONER MORRIS: Yea, yea, Eddie.

Okay.

MR. SELIG: This way it will give other people a chance to correlate the pages so you won't just stand here.

COMMISSIONER SAUDEK: With that, we'll give your comments particular weight.

MR. SELIG: I need to lose some weight.
So thank you very much. My name is Edward Selig, and I represent Advocates for Responsible Disposal in Texas. And my comment relates to 675.22, Section (4)(b), which can be found on Page 31 of the lined text, Line 7; Page 31, Line 7, 675.22, Section (4)(b).

So when the rules states that the Compact Commission will continue to recognize and protect the portion of the Texas Compact Disposal Facility disposal capacity reserved for Vermont and not to be used for nonparty states, it should also mention Texas, which was inadvertently omitted.

Thank you.

COMMISSIONER MORRIS: Thank you, Mr. Selig.

Okay. Next?

Okay. Mr. Krieger?

COMMENTS BY KENNETH KRIEGER

MR. KRIEGER: My name is Kenneth Krieger. I work for Radiation Technology.

My comment and/or question is referring to Page 16, I guess 275, Subchapter B(A), and it will be 16, Line 1, "For low-level radioactive waste acquired on or after April 27, 2012," et cetera, et cetera. My question is: What happens to the waste that was
acquired before that date?

COMMISSIONER MORRIS: Let me just make a comment here to something the Rules Committee talked about informally yesterday. If you have suggestions or things you would like to see added or changed, if you can help us with the wording of some of that, we will -- if you've got -- recognize a problem, if you could help us provide a solution and actually provide some suggested wording, we will certainly consider that wording. So please do, feel free to suggest ways to fix the rules of these proposed rules, and we'll certainly take that into consideration. You can help us do our job a little better.

So, Mr. Krieger, if that's something you want to suggest? Okay.

MR. CROWSON: I might help a little bit here. I think the intent here -- and certainly we could look at changing it -- but the intent here is to implement a definition that applies to a period of time after April 27, 2012 and not necessarily to redefine the definitions that may have been in effect prior to that date. So that's the idea here. And if there's a lack of clarity, we'll certainly think about that in the next draft.

COMMISSIONER SAUDEK: I take it that's the
date that they started accepting waste at the compact facility.

MR. KRIEGER: It was either accepting waste or opening or a culmination of rules. I don't know what the exact date was.

VICE-CHAIR SALSMAN: I believe that was the date they started accepting waste.

MR. CROWSON: It was.

VICE-CHAIR SALSMAN: I can't remember if it was that day that the first shipment showed up. It may have been.

COMMISSIONER MORRIS: Okay. Any other comments people would like to make?

Okay. Mr. Knapp? Okay. All right.

MR. SELIG: Just a minute.

MR. KNAPP: If somebody else wants to go ahead and --

COMMISSIONER MORRIS: Yeah, if somebody else would like to jump to the head of the line?

MR. LOCKE: This is throwing us off.

COMMISSIONER MORRIS: Everyone just loves these rules the way they are now; don't need to make any other changes?

MR. CROWSON: With the permission of the Chair, if there's -- if there's difficulty transferring
MR. LOCKE: We just had -- we had it marked up on this one, but not that one.

MR. CROWSON: Okay. If there's difficulty with that --

MR. SELIG: That's what we're trying to do is to put the two together.

COMMISSIONER MORRIS: Well, we --

MR. CROWSON: Okay. If you can figure out -- just go ahead and comment they way you've commented and --

MR. SHRUM: Are you sure? I don't want to step ahead of you --

(Laughter)

MR. SHRUM: -- but I'm going to the podium.

MR. KNAPP: Please do.

MR. SHRUM: So we're going up here?

COMMISSIONER MORRIS: Yes, please.

COMMENTS BY DAN SHRUM

MR. SHRUM: My name is Dan Shrum with Energy Solutions. First I'd like to thank the Commission and especially the Rules Committee for the fine work that's you've done so far, good work.

We only had a couple of comments. We've
got some -- we'll be providing written comments at a
later time, but one that we would like you to consider
in the meantime. And the first one is, there appears to
be two definitions for a "compact disposal facility,"
and I think that might just be a carryover. If you
could get those two combined or the thought of combining
those two so we have just one -- one very solid
definition of what a "compact disposal facility" is?
Also consider defining the Commission's
technical committee, just so we understand is that a
technical committee of people within the compact -- on
the compact and what their roles and responsibilities
will be.
And the definition of "disposal" currently
includes our host state. We understand why that is in
there, but you may want to at this point in time just
consider correlating the Texas -- the Texas rules on
disposal with EPA and NRC to see if there's any
differences and potentially just remove the "or the host
state" would be something to consider.
And also in the definition of "low-level
radioactive waste," there's a non -- it states something
like not -- as long as the waste is not incompatible,
and I know that's a carryover from the act also. But a
further definition of what is exactly meant by that, I
don't know that when they wrote the act they had
anything in mind. If the Commissioners have something
in mind, that would be fine. If not, maybe just state
so in the preamble.

    And that's really it. Again, a very nice
job on the rules and glad to be here. Thank you.

COMMISSIONER SAUDEK: Is there a reason
you can't give -- give us chapter and verse here, I mean
rather than --

MR. SHRUM: These are all in the
definitions --

COMMISSIONER SAUDEK: Okay.

MR. SHRUM: -- everyone that I've
discussed, so that's 20 -- I just went to Part 61 -- 20,
it's 20. So again, that's -- we will provide a letter,
but it's all in the definitions section. In the
definitions section, there's two definitions of a
"compact disposal facility" that are not quite the same.
If those could be combined or however you'd like to
handle that.

    The definition of "disposal" in 20
includes "or host state" definition, and it may be good
to just put the definition of what Texas defines
"disposal" right in the rule as opposed to or how the
host state defines "disposal."
And the word "Commission's technical committee" is used in 23 twice, and we don't know exactly what that means. I believe I know what it means, but it would be nice to have a definition of "Commission's technical committee."

And also in the definitions section "low-level radioactive waste" is defined and talks about it can't be incompatible with the compact facility, and I don't -- that's a little vague to me, and I would like to know what the committee thought "incompatible" meant other than what it says in the act. Did that help --

COMMISSIONER SAUDEK: Yeah, a little bit.

MR. SHRUM: -- a little bit?

COMMISSIONER SAUDEK: I mean, if you're going to have written comments, that's fine, but it seems to me that, you know, a suggestion as to how to tighten up the language or which language to choose when they're incompatible with each other would be useful to us.

MR. SHRUM: And we will have written -- written comments on that. The primary one is two -- right now there are two definitions of -- of the "compact disposal facility." They're very, very close to each other.

MR. CROWSON: Are those found in 675.20 on
Page 14 and 15? And I think one of those is No. (3) at Line 21 on Page 14. Is that correct? And then on Page 25, Definition (5).

VICE-CHAIR SALSMAN: Actually Page 15.

MR. CROWSON: Page 15 --

VICE-CHAIR SALSMAN: Yeah, Definition No. (5).

MR. CROWSON: -- Line 6. I think those are the references he's making.

MR. SHRUM: And I still haven't gone to the new -- this new version where everything is spelled out, which is very handy.

I did have one other comment. The definition of a "generator" in 20 -- and I --

Director, what page number is "generator" on on this new version?

AUDIENCE MEMBER: 15.

(Simultaneous discussion)

MR. SHRUM: 15. The definition of "generator," we're a little confused on what it's -- 675.29 defines a "generator," and we're not sure if our processing facilities would meet the definition of a "generator" because our processing facilities are required by NRC rules and also state rules to have the waste attributed to themselves when it's
indistinguishable between all the other generators and what we generate ourselves because we incinerate and we do metal melt.

And we will be making a comment to -- for the committee -- for the committee to consider allowing us to attribute waste to ourselves as we are required to do and then providing a list of generators where the waste came from. So it's an attribution issue that we've had -- we've dealt with. And, in fact, the way I've got it written so far, we talk about the solution we have in other states, how we were just able to provide a list of generators, but we are still the owners of the waste.

COMMISSIONER SAUDEK: Well, I can see -- I'm sorry to keep yakking like this. Is that okay?

COMMISSIONER MORRIS: No; that's fine.

That's why we're here.

COMMISSIONER SAUDEK: Just taking the terms "compact facility", "facility" and then "compact waste disposal facility" on Pages 14 and 15, I can certainly see there's a difference in that. The more precise term seems to be that one on Page 15. It goes from 6 to 8 on 15. Is that the one that you think we should use?

MR. SHRUM: The longer definition?
COMMISSIONER SAUDEK: No; actually I think it's the shorter definition.

MR. SHRUM: The shorter definition.

Either one of them are fine. They are just different. And whatever the committee thinks that you should be using is fine. It's just that, you know, a good rule nobody has to guess.

MR. CROWSON: I think one possible distinction here should be mentioned, and No. (5) is a clear reference to the one that's been licensed by TCEQ, and the one in (3) on Page 14 at Line 21 is a generic definition. That's not impossible, I suppose, that another facility could be constructed, and this would be a reference to that. That's one possible reason for there to be two.

COMMISSIONER SAUDEK: Yeah, I mean, there's definitely a difference between the two. You're right, we probably ought to choose one or the other.

MR. SHRUM: That's all our suggestion is is pick one, and that way we'll know -- I think we know what everybody means. We mean the facility operated by WCS, that's the compact facility, the actual place for disposal. The other one makes it sound like other things are associated with the compact disposal facility --
COMMISSIONER SAUDEK: Right.

MR. SHRUM: -- the buildings. And if that's your intent -- I don't know that the Commission typically oversees what goes on at the other facility -- the other buildings and things like that, it's just control of what goes into the compact disposal facility.

COMMISSIONER SAUDEK: Well, it's in the -- under the (3) on Page 14, it looks as if it could be any facility in the state of Texas that disposes of low-level radioactive waste for which Texas and Vermont are responsible. It's not specific at all as to where or who or -- I mean, I think we've always -- at least I've always looked at the compact facility as a facility -- a particular hole in the ground within the perimeter of that WCS land, but it is not any other facility within that area, nor I think is it -- excuse me -- nor is it some other place outside that area. I don't know.

MR. SHRUM: Well, so somebody that would like to challenge No. (3), mean any site, location, structure or property located in and provided by the host state for the purpose of disposal of a low-level radioactive waste where the party states are responsible -- party states are responsible --

COMMISSIONER SAUDEK: That's pretty broad.
MR. SHRUM: Well, it would include the except cells. It would also include the DOE facilities. So I'm -- that's why if -- a more concise definition would probably be in order.

MR. CROWSON: And there also I think needs to be thrown into the mix here with whatever clarification there may be of that, the fact that the Commission's authority for low-level radioactive waste being imported into the state is broader than just the waste that goes to the facility. And I think that may be one of the distinctions that's being drawn here, maybe not as exactly as it could be.

MR. SHRUM: I got here a little bit late. I thought there would be plenty of taxies, but they're all floating down Lavaca Street, but --

(Laughter)

COMMISSIONER MORRIS: Yes; floating, yes.

MR. SHRUM: I apologize if I misunderstood or I didn't realize you wanted -- and hopefully your questions back you understand exactly what we're referring to now.

COMMISSIONER MORRIS: Well, thank you for bringing this to our attention.

MR. SHRUM: Sure. Thank you.

COMMISSIONER MORRIS: It's something we'll
definitely look into. Thank you.

COMMENTS BY ROBERT KNAPP

MR. KNAPP: My name is Robert Knapp. I'm with Luminant Generation, the Comanche Peak nuclear power plant. I appreciate you guys allowing us to make comments, working with us here on this.

I'm going to start off on Page 20, Line 14, 675.21(b). You define "petitioner" in that section. You guys also need to then move that definition to the new Part 20 section. It's just a comment.

Okay. The next one --

MR. CROWSON: Where were you, again? I'm sorry.


COMMISSIONER MORRIS: Okay. And, Mr. Knapp, will you be sending these in in writing also?

Okay.

MR. KNAPP: We will also be sending you written comments.

Okay. The next one, 675.21, which is on Line 20, Page 23. Okay. And this is more -- the form on your website, I don't know if you guys have updated that since you did the rule. But one specific thing I
asked for specific radionuclides listed, which is not in the rule, but it's still on the form. So I don't -- I don't if you guys have gone a thorough scrubbing of the forms since you've done the rule.

MR. CROWSON: Thank you.

MR. KNAPP: Okay. The next one, I'm going to be jumping to two different sections here because there's a difference. In 675.21, Line 24, Page 20 --

VICE-CHAIR SALSMAN: Give me -- give that again.

MR. KNAPP: Sure, it is Line 24, Page 20.

VICE-CHAIR SALSMAN: Okay.

MR. KNAPP: Okay. It talks about sending the information. In this section, you say it needs to be electronic mail and UPS or Federal Express. Okay?

And in 675.22, which is Line 12, Page 29, you have the word "or." I don't know if you guys just want an email or you want both the email and the hard copy. So there's just some inconsistency there.

COMMISSIONER MORRIS: We'll clarify that.

MR. KNAPP: Okay. The next one, 675.21(j)(4), which is Line 11, Page 27; that's Line 11, Page 27. This one, it's not clear to us what you want us to give you for -- at the time frame because a lot of this stuff -- again, since we've sent it to a processor,
we're not going to know when they ship it and how much activity that they will have shipped. Or they'll give us on an annual basis up to that point, I could get a report from them on that, but that may not be all the waste that had been shipped during that time frame. So if I send them something -- something in July, they may not process it by the August 31st date.

So -- so that's why I can give you whatever they give me for a report at the end of that time frame. I just need to know if that is -- is good enough. So the language -- we'll try to send you some language to maybe help with that.

MR. CROWSON: Thank you.

COMMISSIONER MORRIS: Okay. Good.

MR. KNAPP: Okay. The last one I have is 675.22(b), which is Page 29, Line 19. It talks about -- this is -- this is for reporting again. Section (1), it talks about the volume of waste proposed for exportation. Well, if we're sending you a report, it's not proposed anymore. So we think you probably ought to just say "the volume of waste exported," and again, also the chemical form of the waste exported.

Those are all pretty minor comments.

MR. CROWSON: Helpful.

MR. KNAPP: Do you have any -- anything
else, clarification you need from me?

    COMMISSIONER MORRIS: You've been very helpful. Thank you.

    MR. KNAPP: Okay. Thank you.

    MR. CROWSON: Leigh, you're going to have to fill in the cites.

    COMMISSIONER MORRIS: Commissioners, are there any comments or -- that you'd like to make?

        (No response)

    COMMISSIONER MORRIS: Or Eddie -- okay. Eddie is not --

    THE REPORTER: I'm sorry, Commissioner, I can't hear you.

    COMMISSIONER MORRIS: Okay.

    VICE-CHAIR SALSMAN: No comments at this point.

    COMMISSIONER MORRIS: Okay. Do -- does anyone in the audience need more time to -- okay. Mr. Selig?

    MR. SELIG: Thank you. I just wanted to reiterate our appreciation for the work that you've done and that we will be following up our verbal comments today with some written comments before the June 22nd deadline. Thank you.

    COMMISSIONER MORRIS: Okay. Thank you.
VICE-CHAIR SALSMAN: Linda?

COMMISSIONER MORRIS: Uh-huh.

VICE-CHAIR SALSMAN: I'm going to ask one. So far we haven't had any comments, at least not today and I'm not sure if we've had any written comments on the subject of "small quantity generator," and that was sort of a term of art that we developed when these rules were first amended. I think it was around two years ago or three years ago. I forget now.

Anybody have any comment about that?

There seems to work -- have worked pretty well, but now is the time if we need to make any sort of adjustment or change or anything like that. I would appreciate input.

COMMENTS BY DAVID MARTIN

MR. MARTIN: Good morning. Thank you for all your hard work. I'm David Martin. I support the Department of Energy National Nuclear Security Administration Global Materials Security Program. And again, thanks for all the support that you-all have provided in terms of the small quantity generator sole source disposal from a national security, public health and safety perspective. We certainly consider it of huge importance, and the Texas facility opening and its continued operation is enormous from that standpoint.

In terms of the small quantity generator,
I was looking at the language actually just now, and it looks as though some of the language has been struck. I'll look a little more closely, and we will submit comments as appropriate.

Certainly sealed source generators that -- with which we're concerned tend to be small quantity generators. The larger generators we're less concerned about. They tend to have the financial resources and ability to secure and ship their sources. It's the disuse sources at the smaller sites which tend to be a greater concern from a national security, public health and safety perspective.

Defining the "small quantity generator" by -- in terms of the cubic feet, I think it has been a hundred cubic feet per year, I recall has been tricky in a couple of circumstances where a large generator somehow qualified under that definition. There has been not an issue as far as I'm aware of getting sealed sources or plenty of waste -- a small quantity generator waste into the site, so it hasn't been an issue of huge concern. But I appreciate the question, Commissioner Salsman, and would love to take a look at the language and submit comments if helpful.

VICE-CHAIR SALSMAN: Thank you.

COMMISSIONER MORRIS: Thank you.
Okay. Does anyone else in the audience have any comments they'd like to make?

(No response)

COMMISSIONER MORRIS: And last chance for our Commissioners and our counsel, any other comments?

(No response)

COMMISSIONER MORRIS: Wow, okay. We had planned to stay here until noon, but --

(Laughter)

COMMISSIONER MORRIS: -- I guess we won't.

MR. CROWSON: What's going to happen to our lunch?

COMMISSIONER MORRIS: That's right. Yeah, there's free lunch for everybody. No, we're just kidding. There's not.

(Laughter)

COMMISSIONER MORRIS: But anyway -- okay. Well, thank you for coming today. If you -- I think all of us are very accessible. If you have anything you'd like to share with us, you know how to reach us. And so we'll look forward to moving on with these rules and getting these, you know, effective.

So -- all right. Thank you for something this morning.

(Proceedings concluded at 10:06 a.m.)
CERTIFICATE

STATE OF TEXAS  
COUNTY OF TRAVIS  

I, Kim Pence, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true, and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of June 2015.

_______________________________
KIM PENCE, CSR
Certified Shorthand Reporter
CSR No. 4595 - Expires 12/31/15

Firm Registration No. 276
Kennedy Reporting Service, Inc.
7800 North Mopac, Suite 120
Austin, Texas 78759
512.474.2233