



Leigh Ing

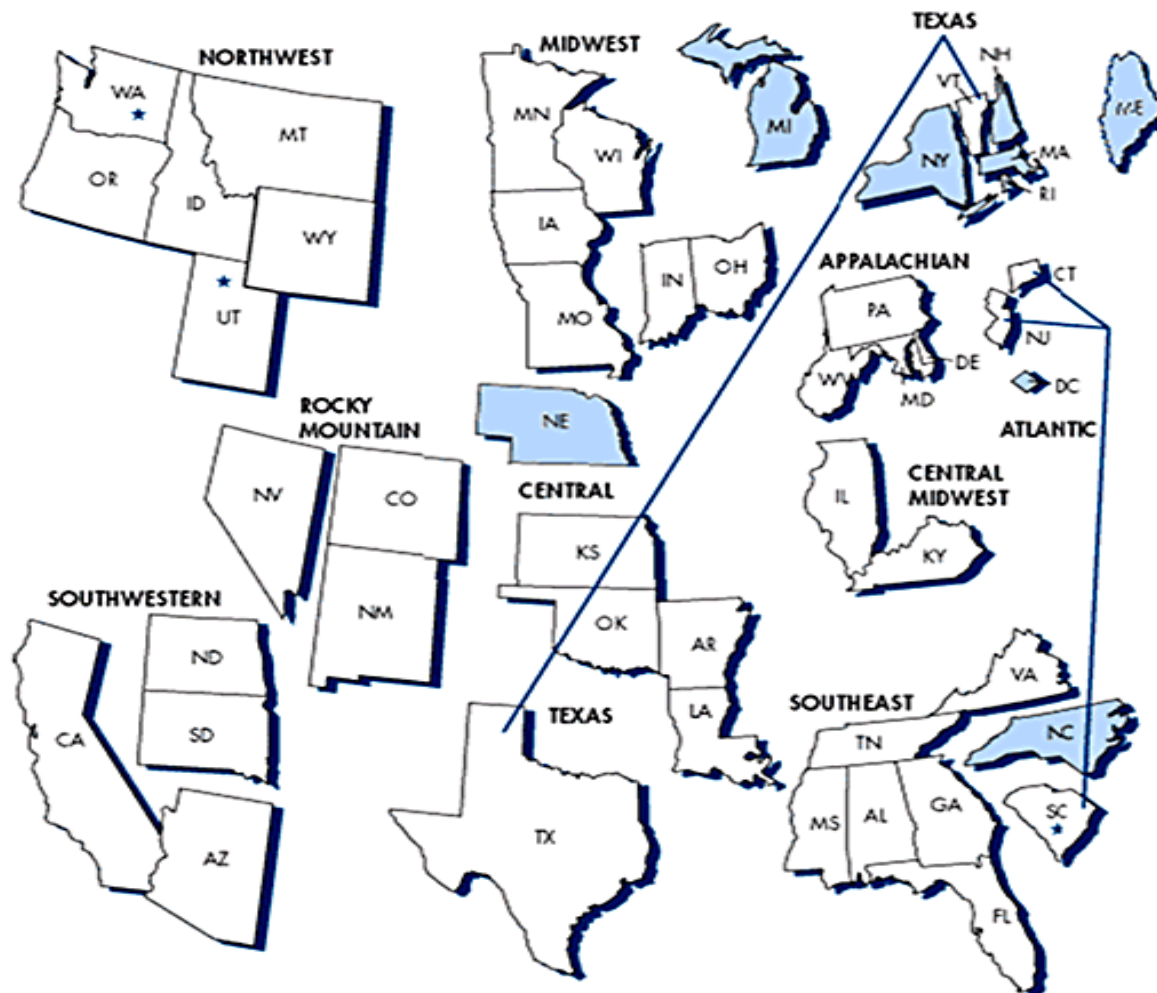
Consulting Executive Director

Waste Symposia

March 2014

Presentation Outline

- What is a Low-Level Waste Compact?
- TLLRWD Compact's History
- Overlaying Federal Compact Law and State Laws – Multiple personalities in one Compact
- TLLRWDCC and the Facility's First Two Years
- Lessons Learned and New Rules
- Questions Anyone?



★	Active Disposal Site (3)	Note: Data as of May 2010
□	Approved Compact (10)	Alaska and Hawaii belong to Northwest Compact.
■	Unaffiliated (10)	Puerto Rico is unaffiliated.

Our Compact's History

- **1981** – The Texas Low-Level Radioactive Waste Disposal Authority (TLLRWDA) is created.
- **1998** - The TLLRWDA license request is unanimously denied.

More History

- **1998** – The Texas Compact is ratified between Texas, Maine and Vermont - ***PL 105-236, 105th Congress, Sept. 20, 1998.*** Maine later withdrew.
 - Texas is the host state with full administrative control over the management and operation of the Compact Facility.
 - Texas has unlimited access by volume.
 - Vermont has 20% of Texas' volume.
 - AND, it creates the TLLRWDC. 😊

Yet More History

- **2003** – Texas legislature allows a private entity to hold the license to the State of Texas Compact Facility
- **August 2004** – Waste Control Specialists (WCS) submits a license application to what is now TCEQ.
- **September 2009** - WCS is issued a low-level radioactive waste disposal license for the Compact Facility.
- **April 26, 2012** – The facility accepts its first waste shipment – a drum from Vermont.

Complying with Compact Law while caring deeply about State Laws

Unifying a federal Compact with the laws and interests of two party states – it can get a bit schizophrenic.

The Personalities – The Party States

- The Compact Facility is a State of Texas site covered by State of Texas Law.
 - Ensures in-compact generator disposal capacity
 - Sets in-compact generator disposal rates
 - Sets surcharges on out-of-compact disposal
 - Sets Curie limits on disposal
 - Determines licensing requirements
- The State of Vermont contributed \$25 million to ensure disposal capacity for its low-level radioactive waste at the Compact Facility.

The Personalities – The Compact

- The TLLRWDCDC must comply with its *federal* compact law.
- The TLLRWDCDC is a “legal entity separate and distinct from the party states...”
- Protects capacity for the party state generators.
 - Monitors capacity and disposal volume and Curies.
 - Authorizes agreements for importation.
 - Authorizes petitions for exportation.

The Texas Compact Commissioners

- Chair, Robert Wilson - TX
- Peter Bradford – VT
- Judge Richard Dolgener - TX
- Eric Doyal – TX
- Brandon Hurley - TX
- Linda Morris – TX
- John Salsman – TX
- Richard Saudek – VT
- Jane O’Meara Sanders – VT Alternate

The Multiple Personalities

- It is the TLLRWDC's informal policy to follow Texas' and Vermont's legislative and policy directives
 - Maintain and enforce Texas' volume and Curie limits
 - Operate on Texas' fiscal year
 - Authorize exports in alignment with Texas policy and law and Vermont policy and law

The Multiple Personalities

- TLLRWDCS staff are contractors; not Texas or Vermont employees.
- TLLRWDCS cooperates with the State of Texas on issues related to funding and facility use.
- TLLRWDCS meets in both Texas and Vermont.

The Whirlwind of the First Two Years

The Compact Facility opens April 2012.

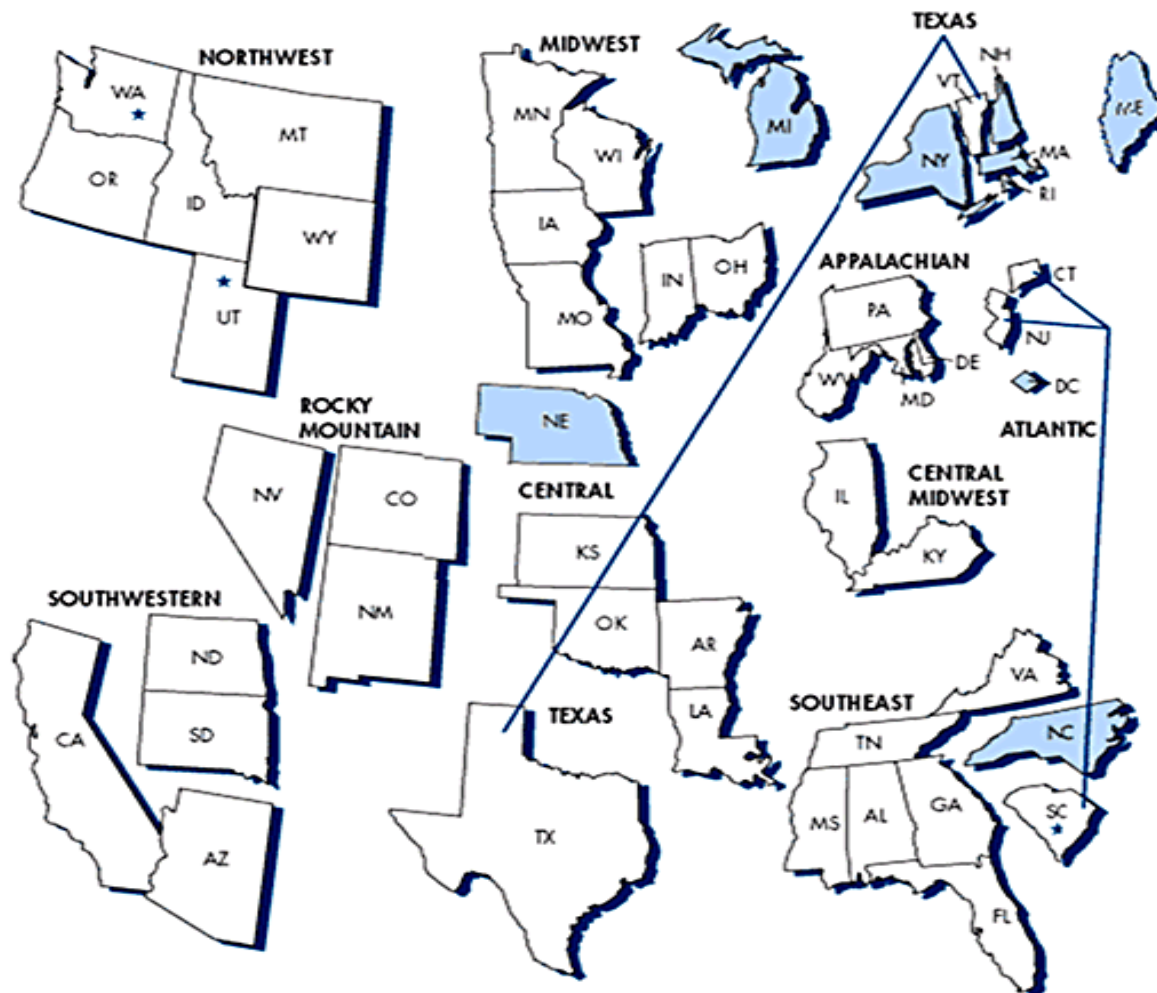


TLLRWDCD Whips Into Action

- The TLLRWDCD adopts rules for importation of low-level waste May 2012.
 - Design an import application process and form.
 - Design and implement an application review process.
 - Ensure Texas requirements are accommodated.
 - Determine and ensure compliance with export requirements of other Compacts
 - Ensure in-compact capacity is protected; in-compact vs. out-of-compact waste definitions.

What We Learned

- Small generators need a set-aside.
- Brokers for small generators of sources have unique needs.
- Our larger generators must plan for activities years in the future.
- Determining the generator of a waste is harder than it sounds, especially for our Compact.
- Our fellow Compacts are awesome!



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What We Learned – the Hard Way

- Zero isn't zero.
- Predicting waste analysis results is an imperfect endeavor.
- Predicting waste volume is an imperfect endeavor.
- Sometimes, even predicting waste class is an imperfect endeavor.
- Our amendment process could use some refining.
- It's a logistical challenge to close-out a year's Curie limit.

Importation Limits Set by Texas in 2013

- 275,000 Curies from Sept. 1, 2013 – Aug. 31, 2014
- Beginning Sept. 1, 2015, eligible non-party waste must be volume-reduced by at least a factor of 3, unless it would become greater than Class C.

We Are Reopening Our Rules

- TLLRWDC is taking a comprehensive look at its rules for imports and exports.
- Includes 31 Texas Administrative Code 675.21, 675.22 & 675.23
- The rules will incorporate the determination of who is the generator of a low-level radioactive waste. TLLRWDC has a draft White Paper on our “Rules” page.
- The Chairman established a Rules Committee which includes himself, Commissioner Morris and Commissioner Saudek.

Reopening Our Rules

- There will be at least one and perhaps more stakeholder meetings.
- The rulemaking will follow the State of Texas Administrative Procedures Act for notice and posting.
- The Rules Committee to meet with interested parties in Oak Ridge, Tennessee April 15th to discuss when waste becomes “waste”.



QUESTIONS ???

<http://www.tllrwdcc.org/>

Leigh Ing, Executive Director : 512-217-8045

Audrey Ferrell, Executive Assistant: 512-305-8941