



Texas Low Level Radioactive Waste Disposal Compact Commission Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

**Texas Low Level Radioactive Waste Disposal Compact Commission
Exhibit 1: Agency Contacts**

	Name	Address	Telephone & Fax Numbers	Email Address
Agency Head	Stephen Raines	919 Congress Ave, Ste 830, Austin TX 78701	737-300-2154	Stephen.raines@tllrwdcc.org
Agency's Sunset Liaison	Stephen Raines	919 Congress Ave, Ste 830, Austin TX 78701	737-300-2154	stephen.raines@tllrwdcc.org

Table 1 Exhibit 1 Agency Contacts

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in Section VII.

A. Provide an overview of your agency's mission, objectives, and key functions.

The Texas Low-Level Radioactive Waste Disposal Compact Commission and its members have the powers and duties prescribed by the compact that has been codified in Texas and federal law and the Members of the Commission are responsible for administering the provisions of the compact. Texas and Vermont are party states of the Compact.

The party states recognize a responsibility for each state to seek to 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 that the United States Congress, by enacting the Act, has authorized and encouraged states to enter compacts for the efficient management and disposal of low-level radioactive waste. It is the 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 such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of the compact.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed?

Yes. As prescribed by the federal law that created the compact and thus the compact commission, the Commission continues to regulate the import and export of low-level radioactive waste in Texas and Vermont.

C. What, if any, functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?

None.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?

Yes, the enabling legislation comes from the Code of Federal Regulation through a federal compact agreed to by the States of Texas and Vermont and codified by the United States Congress. The Commission is not an agency of the State of Texas. The enabling law allows the Commission to regulate the import and export of low-level radioactive waste which the Commission continues to do.

E. Have you previously recommended changes to the Legislature to improve your agency's operations? If so, briefly explain the recommended changes, whether or not they were adopted, and if adopted, when.

No.

F. Do any of your agency's functions overlap or duplicate those of another local, state, or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

The Texas Commission on Environmental Quality works in tandem with the TLLRWDC to provide certification letters for approval of all agreements with generators or brokers who dispose of waste in the Compact. While TCEQ controls the licensing and inspection processes for radioactive material, the TLLRWDC regulates the flow of interstate commerce related to radioactive waste. The Compact Waste Facility, located in Andrews County, handles the disposal of all Class A, B and C low-level radioactive waste. The Resource Conservation and Recovery Act (RCRA) disposal cell in the same area handles the disposal of all other hazardous and nonhazardous materials. Currently the TLLRWDC controls agreements regarding the disposal of waste only at the Compact Waste Facility. TCEQ controls all aspects of the RCRA disposal cell. While the TLLRWDC operates from authority granted from federal and state laws, some clarification of roles and responsibilities regarding the RCRA disposal site would be helpful.

The TLLRWDC also has an obligation under state law to adopt a contingency plan for the possible event of a lack of a licensed operator at the facility in Andrews County. Given the lack of authority to resolve the many challenges for the state of Texas, some authority should be granted to the TLLRWDC along with a state agency to address potential contingency events. TCEQ also lacks authority to address many of the needs that could be presented by a contingency event. So, developing authority for these two agencies to work in cooperation would address the gaps that currently exist in state law.

As required by the statute, TCEQ submits a report every four years to the Texas and Vermont Legislature and Governors concerning the available capacity at the Compact Waste Facility. Given the regular functions of the TLLRWDC and the statutory obligations, some role in the development of the capacity study for the TLLRWDC would be appropriate.

G. In general, how do other states carry out similar functions?

A majority of other states are members of a regional compact which carry out similar duties through the Commissioners and staff at the compact; however, only two other compacts have a disposal facility located within their geographic boundaries. Revenues tied to the duties are generally derived from fees associated with import and export permits.

H. What key obstacles impair your agency's ability to achieve its objectives?

The Commission has no statutory enforcement authority. The only remedies available to the Commission for non-compliance are reporting to the Nuclear Regulatory Commission or the Texas Commission on Environmental Quality and the denial of future requests for the import or export of waste. The Commission has no available remedy to select a new licensed operator in the event the current license holder abandons the site. The Legislature could establish a procedure to select a temporary operator.

I. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).

None.

J. Aside from additional staff or funding, what are your agency’s biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?

The biggest opportunity the Commission has is that, after years of staff turnovers, current staff are working diligently to create policies and procedures to best serve stakeholders.

K. Overall, how does the agency measure its effectiveness in carrying out its objectives?

The Commission quickly and accurately turns around applications to meet timelines that have been established by Commission rules. The Commission periodically reviews outcomes through regular dialogue with the Texas Commission on Environmental Quality.

In the following chart, provide information regarding your agency’s key performance measures, including outcome, input, efficiency, and explanatory measures. See Exhibit 2 Example. Please provide both key and non-key performance measures set by the Legislative Budget Board as well as any other performance measures or indicators tracked by the agency. Also, please provide information regarding the methodology used to collect and report the data.

**Texas Low Level Radioactive Waste Disposal Compact Commission
Exhibit 2: Performance Measures — Fiscal Year 2020**

	FY 2020	FY 2020	FY 2020
Performance Measures	Target	Actual	% of Target
1) Percent of Curie Available at Low Level Facility	85.00%	80.32%	94.49%
2) Percent of Volumetric Capacity at Facility	91.00%	91.75%	100.82%
4) Percentage of import applications with action taken within 120 days	100.00%	100.00%	100.00%

L. Please list all key datasets your agency maintains and briefly explain why the agency collects them and what the data is used for. Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any “high-value data” the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency posts those high-value datasets on publicly available websites as required by statute, and in what format.

None. Not applicable.

III. History and Major Events:

Provide a timeline of your agency's history and key events, including

- **the date your agency was established;**
- **the original purpose and responsibilities of your agency; and**
- **major changes in responsibilities or statutory authority.**

Also consider including the following information if beneficial to understanding your agency

- **changes to your policymaking body's name or composition;**
- **significant changes in state/federal legislation, mandates, or funding;**
- **significant state/federal litigation that specifically affects your agency's operations; and**
- **key changes in your agency's organization (e.g., the major reorganization of the Health and Human Services Commission and the Department of State Health Services' divisions and program areas, or the Legislature moving the Prescription Monitoring Program from the Department of Public Safety to the Texas State Board of Pharmacy).**

Major Events in TLLRWDC History

In 1981, the Texas Legislature created the Texas Low Level Radioactive Waste Disposal Authority (TLLRWDA) to site, develop, close and decommission a Texas LLRW disposal facility. In 1993, Texas, Vermont, and Maine approved legislation for the formation of the Texas Compact. Entry into the Texas Low-Level Radioactive Waste Disposal Compact was ratified by an Act of the Texas Legislature and signed into law by Governor Ann Richards in 1993.

The Vermont Legislature passed Vermont Statute, Title 10: Conservation and Development, Chapter 162: Texas Low-Level Radioactive Waste Disposal Compact, signed into law in 1993, making Vermont a party state to the Compact.

With the passage by the U.S. Congress of Public Law 105-236, "Texas Low-Level Radioactive Waste Disposal Compact Consent Act," ("Compact") and signed into law by President Clinton in 1998, the United States consented to the Compact. The initial party states were Texas, Maine and Vermont. Texas is the "host state" in that it is the state that will host the disposal facility to accept low-level radioactive waste for management and disposal in accordance with the terms of the Compact.

By 1998, the TLLRWDA had chosen a site along with a design of the facility to dispose of LLRW. The Texas Natural Resource Conservation Commission (TNRCC) was given the authority to review the application but denied the TLLRWDA the license to dispose of LLRW. By 2000, the TLLRWDA was disbanded.

In 2002 the Maine Legislature passed emergency legislation to repeal the enactment of the Texas Compact, due to the early closing and decommissioning of the state's only nuclear reactor; Maine Yankee. The Texas Compact is now composed of only Texas and Vermont.

In 2003, the Texas Legislature passed HB 1567 which amended the Texas Health and Safety Code provisions regarding the siting and operation of commercial LLRW disposal facilities for the Texas Compact and for federal facilities' waste. The legislation allowed for the creation of two privately run waste disposal facilities to be licensed by the TCEQ. One facility (later termed the Federal Waste Facility Disposal Facility or FWF) disposes of federal facility waste, as defined by the LLRWPA of 1980 and its 1985 amendments, subject to certain specified conditions. The other, adjacent facility (later termed the Compact Waste Disposal Facility or CWF) disposes of commercial low level radioactive waste from Texas, Vermont and other state's generators.

After five years of technical review, on September 10, 2009, the TCEQ Executive Director issued a low-level radioactive disposal license to Waste Control Specialists. Construction of the CWF was completed in 2012 and TCEQ authorized the commencement of disposal operations at the CWF on April 25, 2012.

Senate Bill 1504 (82nd Session, 2011), codified in the Texas Health and Safety Code in Chapter 401 section 401.207, allows for a system of importation of nonparty waste in the CWF. In 2015 and 2017, the TLLRWDCD promulgated several rules, which include a process for approval of the importation and exportation of waste. The TCEQ certifies each import application and authorizes the disposal through a written evaluation. The TLLRWDCD considers the TCEQ certifications before acting on import applications. Section 401.207 also creates limits on the initial licensed capacity of the CWF.

The Texas Low-Level Radioactive Waste Disposal Compact Commission 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. The purpose of the Compact is to provide a framework for a cooperative effort to "promote the health, safety and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states" all in accordance with the terms of the Compact. The Compact is to monitor and control the export and import of low-level radioactive waste within the party states and the Compact Waste Facility.

The party states have entered the Compact with the express intent of managing and restricting interstate commerce in the area of low-level radioactive waste disposal on a regional basis. Without the Compact, consented to by Congress, the party states would have no control over low-level radioactive waste commerce or limitations on what low-level radioactive waste could enter the Compact Disposal Facility in Andrews County, Texas.

Without Vermont as a party state, Texas would have no Compact framework to control or abridge interstate commerce in the area of low-level radioactive waste.

The State of Vermont has paid the required \$25 million to Texas in compliance with the Compact with Texas. The State of Vermont has paid \$2.5 million to the host county, Andrews.

In November 2008, Texas Governor Rick Perry named the first six Texas members of the Commission. The Vermont Governor Jim Douglas named that state’s first two Commissioners, with the last Commissioner being named on March 26, 2009. This officially completed the seating of the Commission.

IV. Policymaking Structure:

A. Complete the following chart providing information on your policymaking body members.

**Texas Low Level Radioactive Waste Disposal Compact Commission
Exhibit 4: Policymaking Body**

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
Brandon Hurley	Appointed in 2014 by Governor Rick Perry, Reappointed in 2021 for six-year term, term expires in 2025, Appointed by Texas Governor Greg Abbott	Chairman	Grapevine, TX
John Salsman	Appointed in 2012 by Texas Governor Rick Perry, Reappointed in 2017 for six-year term, term expires in 2023, Appointed by Texas Governor Greg Abbott	Vice Chairman	Driftwood, TX
Linda Morris	Appointed in 2012 by Texas Governor Rick Perry, Reappointed in 2015 for six-year term, term expires in 2021, Appointed by Texas Governor Greg Abbott	Member	Waco, TX
Jeff Mundy	Appointed 2020 for six-year term, term expires in 2025, Appointed by Texas Governor Greg Abbott	Member	Austin, TX
Lisa Edwards	Appointed in 2018 for six-year term, term expires in 2023, Appointed by Texas Governor Greg Abbott	Member	Granbury TX
Peter Bradford	No appointment term, serves at the pleasure of the Vermont Governor, Appointed 2011, Reappointed by Vermont Governor Phil Scott	Member	Peru, VT
Richard Dolgener	Appointed in 2008 by Texas Governor Rick Perry, Reappointed in 2015 for six-year term, term expires in 2021, Appointed by Texas Governor Greg Abbott	Member, Host County	Andrews County, TX

Richard Saudek	No appointment term, serves at the pleasure of the Vermont Governor, Appointed 2011, Reappointed by Vermont Governor Phil Scott	Member	East Montpelier VT
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Table 4 Exhibit 4 Policymaking Body

B. Describe the primary role and responsibilities of your policymaking body.

The primary role of the Commission is to regulate the import and export of low-level radioactive waste in Texas.

C. How is the chair selected?

The Chairman is selected by the Governor of Texas.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The Commission is created by a federal compact between Texas and Vermont created at the federal level not created through Texas law. Further, federal law requires two commissioners be from Vermont and at least one commissioner must live in Andrews County where the waste facility is located. Section 3.03 of the Texas Low-Level Radioactive Waste Disposal Compact states very clearly, "The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution."

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2019? In FY 2020? Explain if the policymaking body met in-person or virtually during this time.

Generally the Commission meets every 6-8 weeks. In FY 2019 the Commission met 6 times in person. In FY 2020 the Commission met 7 times. Due to the pandemic, all meetings after March of 2020 have been virtual.

F. Please list or discuss all the training the members of the agency's policy making body receive. How often do members receive this training?

The staff and Commission members are currently developing training for members. The members also take required training in open meetings and records required by the State of Texas.

G. What information is regularly presented to your policymaking body to keep them informed about the agency's operations and performance?

Fiscal documents detailing Commission expenditures; Waste capacity reports at the waste site in Andrews County; Requests for the import and export of waste and amendments to the import and export applications.

H. How does your policymaking body obtain input from the public regarding issues under the agency’s jurisdiction? How is this input incorporated into the operations of your agency?
 The public is included in several ways. All waste applications are available online. During Commission meetings the public is invited to voice their opinions both verbally and through written comment. Public is allowed to submit written comments on the website. Specific comment by members of the public on any application to the Commission is also allowed.

I. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 5 Example. For advisory committees, please note the date of creation for the committee, as well as the abolishment date as required by Texas Government Code, Section 2110.008.

The TLLRWDC uses a Rules Committee to develop policies and rules, a Capacity Committee to monitor available space at the Compact Waste Facility, a Technical Committee to review all applications and requests regarding disposal of radioactive material and a Contingency Plan Committee to develop the plan for the possible event of no licensed operator for the Compact Waste Facility.

In addition, please attach a copy of any reports filed by your agency under Texas Government Code, Section 2110.007 regarding an assessment of your advisory committees as Attachment 28.

**Texas Low Level Radioactive Waste Compact Commission
 Exhibit 5: Subcommittees and Advisory Committees**

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Technical Committee	4	reviews import/export applications and disposal requests	Not applicable	Standing Committee
Rules Committee	4	develop policies and rules	Not applicable	Standing Committee
Capacity Committee	4	monitor available space at the waste facility	Not applicable	Standing Committee
Contingency Plan Committee	4	develops plan for the possibility of no licensed operator of the facility	Not applicable	Standing Committee

Table 5 Exhibit 5 Subcommittees and Advisory Committees

V. Funding

A. Provide a brief description of your agency’s funding, including information about the most recent five percent budget reduction and any funding related to disaster relief or COVID-19, if applicable.

The TLLRWDCC receives funding from Article VI in the State Appropriations Act. The Comptroller of Public Accounts maintains Fund 5150 by taking receipts from Fund 88 at the Texas Commission on Environmental Quality. The Texas Commission on Environmental Quality has been tasked, by statute, by the Texas Legislature to provide for funding for the TLLRWDCC from a fee assessed on the disposal of low-level radioactive waste. TCEQ sets the fee, along with others, on waste disposed of at the Compact Waste Facility. The TLLRWDCC utilizes vouchers from the Comptroller to provide payments to contractors and vendors.

B. List all riders that significantly impact your agency’s budget.

None.

C. Show your agency’s expenditures by strategy.

**Texas Low Level Radioactive Waste Disposal Compact Commission
Exhibit 6: Expenditures by Strategy — Fiscal Year 2020 (Actual)**

Goal/Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Compact Administration	\$269,791.64	46.74%	169,636

D. Show your agency’s sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines:

The only sources of revenue are the amount appropriated to the Commission by LBB.

E. If you receive funds from multiple federal programs, show the types of federal funding sources.

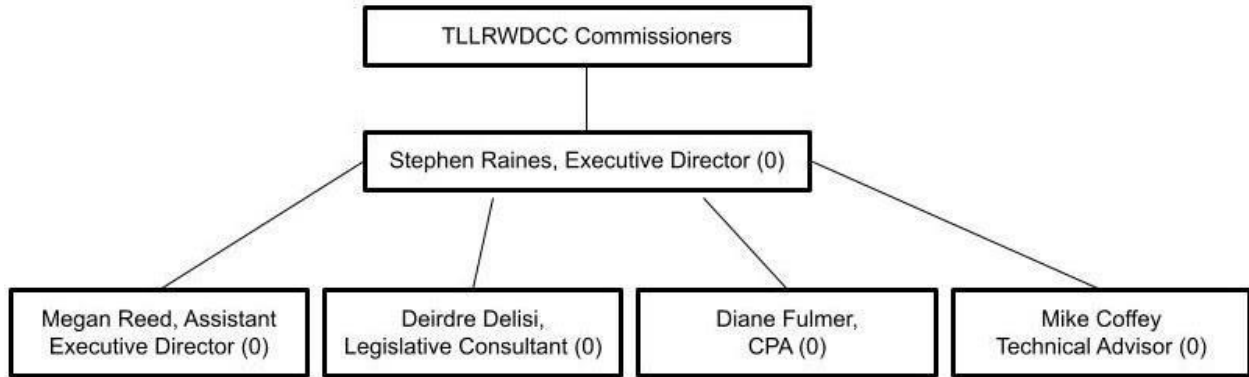
Not Applicable

F. If applicable, provide detailed information on fees collected by your agency. Please explain how much fee revenue is deposited/returned to the General Revenue Fund and why, if applicable.

Not Applicable

VI. Organization

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, department heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.



B. If applicable, fill in the chart below listing field or regional offices.

Not Applicable

C. What are your agency’s FTE caps for fiscal years 2019–22?

None. The Commission does not have any FTEs.

D. How many temporary or contract employees did your agency have in fiscal year 2020? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

Andrew Tachovsky	46,750.00	Administrative and Technological Services
Diane Fulmer CPA	29,646.00	Accounting Services
Delisi Communications	84,000.00	Government Communications
Monday Rufus CPA	9,240.00	Annual Financial Audit
Total Contract Expenditures	169,636.00	

E. List each of your agency’s key programs or functions, along with expenditures and FTEs by program. See Exhibit 11 Example.

Program	Actual FTEs FY 2020	Budgeted FTEs FY 2021	Actual Expenditures FY 2020	Budgeted Expenditures FY 2021
Commission Functions	0	0	0	0
TOTAL	0	0	0	0

VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste questions A through P as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Name of Program or Function: *Approving the Import and export of low-level radioactive waste in Texas.*

Location/Division: *919 Congress Ste 830, Austin TX 78701*

Contact Name: *Stephen Raines*

Statutory Citation for Program:

FEDERAL STATUTE:

PL 105-236 The U.S. Congress ratified a Compact between Texas, Maine and Vermont for disposal of low-level radioactive waste with the passage of the Compact Consent Act, PL 105-236 in 1998.

STATE STATUTES:

Texas Health and Safety Code. Chapter 403. Texas Low-Level Radioactive Waste Disposal Compact. Health And Safety Code. Title 5. Sanitation and Environmental Quality. Subtitle D. Nuclear and Radioactive Materials. Chapter 403. Texas Low-Level Radioactive Waste Disposal Compact.

The Texas Low-Level Radioactive Waste Disposal Compact (Texas Compact) was established by the states pursuant to the Low-Level Radioactive Waste Policy Act, PL 96-573 (1980) as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (PL 99-240).

The Texas Compact legislation, SB 1206, became effective August 30, 1993.

VERMONT Statute: Title 10: Conservation and Development. Chapter 162: Texas Low-Level Radioactive Waste Disposal Compact

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective is to monitor low level radioactive waste importation and exportation as it relates to Texas and Vermont. To do so, a waste broker or generator files an import or export form with the Commission and then imports/ exports are approved at open public Commission meetings.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

**Texas Low Level Radioactive Waste Disposal Compact Commission
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020**

	FY 2020	FY 2020	FY 2020
Performance Measures	Target	Actual	% of Target
1) Percent of Curie Available at Low Level Facility	85.00%	80.32%	94.49%
2) Percent of Volumetric Capacity at Facility	91.00%	91.75%	100.82%
4) Percentage of import applications with action taken within 120 days	100.00%	100.00%	100.00%

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The Commissioner approved the first import application for storage on May 10, 2012.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The waste facility that accepts imported low-level radioactive waste is a privately owned facility licensed through the TCEQ.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

An entity with low-level radioactive waste to ship into or out of Texas completes a form via the Commission portal describing the waste and asking for permission to import/export. Upon receiving the request, it is posted on the Commission website. The website serves as a hub for TCEQ and the public to see waste applications. TCEQ certifies the waste request. The Commission prepares a technical report on the waste application. At a public meeting Commissioners review, discuss, and either approve or reject a waste application. During the meeting the public has the opportunity to provide comments on the waste applications. Public comment can also be submitted via mail and email.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The TLLRWDC receives funding from general revenue dedicated from a fee assessed by the Texas Commission on Environmental Quality on low level radioactive waste disposed of at the Compact Waste Facility. TCEQ sets the fee rate through rulemaking.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

None.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Duplication is avoided because there are only two contract workers in the Commission that manage waste requests. Further only the Commission can grant an application for import or export low level radioactive waste in Texas.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TCEQ provides technical information about each application.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;

- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

All persons working for the TLLRWDCD work through an annual contract. TLLRWDCD has no FTEs.

TLLRWDCD has a contract for office space with Moore & Associates for space at 919 Congress Avenue, Austin, TX. Executive staff and Commission leadership established a process to review contract offers for the terms of the lease. The audit contract was posted with the State of Texas. The Accountant, Chairman and Executive Director reviewed submissions and selected the award on a best value basis. Video and telecommunications contracts are negotiated by the executive staff. All other contracts are personnel contracts.

L. Provide information on any grants awarded by the program.

None.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

As previously mentioned, the Commissions lack of enforcement authority may impede the Commission's performance and effectiveness in the future.

Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

None. Not applicable.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

Not applicable.

VIII. Statutory Authority and Recent Legislation

A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2015–2020, or earlier significant Attorney General opinions, that affect your agency’s operations.

FEDERAL STATUTE:

PL 105-236 The U.S. Congress ratified a Compact between Texas, Maine and Vermont for disposal of low-level radioactive waste with the passage of the Compact Consent Act, PL 105-236 in 1998

STATE STATUTES:

Texas Health and Safety Code. Chapter 403. Texas Low-Level Radioactive Waste Disposal Compact. Health And Safety Code. Title 5. Sanitation and Environmental Quality. Subtitle D. Nuclear and Radioactive Materials. Chapter 403. Texas Low-Level Radioactive Waste Disposal Compact

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The Texas Compact legislation, SB 1206, became effective August 30, 1993.

VERMONT Statute: Title 10: Conservation and Development. Chapter 162: Texas Low-Level Radioactive Waste Disposal Compact

B. Provide a summary of significant legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass but were significant, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency.

- Created in 1993 via SB 1046 allowed for the importation of waste from other states and set limits on importation amounts relative to waste from partners in the compact.
- 2003 Bill SB 1567 allowed the Department of Health to allow a private license holder to develop and maintain a low-level radioactive waste disposal site in Andrews County.

- SB1605 (82nd Session) made the Commission subject to Sunset, changed the appointment schedule for Commissioners, clarified the governor’s appointment in the vacancy schedule, required the Texas Attorney General to represent the Commission, and subjected the Commission to be eligible for state audit.
- SB 347 (83rd Session) changed the funding stream for the Commission.
- SB 1667 (85th Session) clarified the Commission's powers and duties, clarified that the Commission is an independent entity, clarified funding.

IX. Major Issues:

The Texas Legislature has granted no enforcement authority to the TLLRWDC. Without the ability to impose penalties or fines, interested parties in violation of Commission rules face no negative consequences for bypassing the Commission. While the license holder faces potential penalties from TCEQ for violation of the terms of their license or TCEQ rules, if generators of waste fail to comply with Commission rules, potential negative consequences to the state include improper disposal of waste, disposal of waste from a foreign country, and a failure to collect appropriate fees resulting in a loss of revenue to the state of Texas.

The TLLRWDC has been tasked with developing a contingency plan for the event of no licensed operator for the Compact Waste Facility in Andrews County or the site closing. The Legislature has created no authority or funding stream for a temporary operator. TLLRWDC looks forward to working with the Governor, Texas Legislature and TCEQ to address this concern.

X. Other Contacts

A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

**Texas Low Level Radioactive Waste Disposal Compact Commission
Exhibit 16: Contacts**

Interest Groups

(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Advocates for Responsible Disposal for Texas/Edward Selig	P.O. Box 26586 Austin, TX 78755-0586	512.413.0902	eselig@ardt.org
Waste Control Specialists/Dave Carlson	17101 Preston Road, Suite 115 Dallas, TX 75248	432.525.8500	info@wcstexas.com
Sustainable Energy and Economic Development Coalition/Karen Hadden	605 Carismatic Lane Austin, TX 78748	512.797.8481	karen@seedcoalition.org

Sierra Club/Dr. Cyrus Reed	6406 North Interstate 35 Frontage Road, Austin, TX 78752	512.477.1729	lonestar.chapter@sierraclub.org
Energy Solutions	299 South Main Street, Ste. 1700 Salt Lake City, UT 84111	801.649-2004	info@energysolutions.com

Table 18 Exhibit 16 Interest Groups

Interagency, State, or National Associations

(that serve as an information clearinghouse or regularly interact with your agency)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Low Level Radioactive Waste Forum/Dan Shrum	309 Bradley Boulevard Suite 201 Richland, WA 99352	801.580.3201	dshrum@llwforum.org

Table 19 Exhibit 16 Interagency, State, and National Association

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Office of the Attorney General of Texas/Agency Liaison/Melissa Juarez	209 West 14th St. (78701)	512.463.2100	melissa.juarez@oag.texas.gov
Texas Commission on Environmental Quality/Deputy Director Office of Waste Radioactive Materials Division/Ashley Forbes	P.O. Box 13087 Austin, TX 78711-3087	512.239.6466	ashley.forbes@tceq.texas.gov

Table 20 Exhibit 16 Liaisons at Other State Agencies

XI. Additional Information

A. Texas Government Code, Section 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. See Exhibit 17 Example.

(Agency Name)

Exhibit 17: Evaluation of Agency Reporting Requirements

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
Annual Report	State law	Jan 31, yearly	Governor of Texas and Vermont, Legislatures of Vermont and Texas	Report on TLLRWDC's activities for the year.	Yes
Contingency Plan	State law	None	Legislatures of Vermont and Texas	A report on what to do should the waste facility shut down or change ownership.	Yes

Table 21 Exhibit 17 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

B. Does the agency's statute use "person-first respectful language" as required by Texas Government Code, Section 325.0123? Please explain and include any statutory provisions that prohibit these changes.

Not applicable.

C. Please describe how your agency receives and investigates complaints about the agency and its operations.

Complaints involving agency personnel are reported to the Executive Director or to the Chairman of the Commission in the event the complaint is against the Executive Director. All actions on permit applications are subject to Commission decision. Commission decisions are not subject to court appeal

Fill in the following chart detailing information on complaints received about your agency and its operations. Do not include complaints received about people or entities you regulate.

None.

D. Fill in the following charts detailing your agency's Historically Underutilized Business (HUB) purchases. See Exhibit 19 Example. Sunset is required by law to review and report this information to the Legislature.

Not applicable. We do not award contracts.

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Section 2161.003; TAC Title 34, Part 1, Rule 20.286c)

None. Not applicable.

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest

for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Section 2161.252; TAC Title 34, Part 1, Rule 20.285)

Not applicable.

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Section 2161.062; TAC Title 34, Part 1, Rule 20.296)

No.

1. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Section 2161.066; TAC Title 34, Part 1, Rule 20.297)

No.

1. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Section 2161.065; TAC Title 34, Part 1, Rule 20.298)

No.

H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics. See Exhibit 20 Example. Sunset is required by law to review and report this information to the Legislature. Please use only the categories provided below. For example, some agencies use the classification “paraprofessionals,” which is not tracked by the state civilian workforce. Please reclassify all employees within the appropriate categories below.

**Texas Low Level Radioactive Waste Compact Commission
Exhibit 20: Equal Employment Opportunity Statistics**

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	4	0	8.1%	0	22.4%	75	38.8%
2019	4	0	8.1%	0	22.4%	75	38.8%
2020	4	0	8.1%	0	22.4%	50	38.8%

Table 26 Exhibit 20 EEO Statistics for Officials/Administration

1. Professional: Not Applicable

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	(number)	(percent)	10.9%	(percent)	20.3%	(percent)	54.5%
2019	(number)	(percent)	10.9%	(percent)	20.3%	(percent)	54.5%
2020	(number)	(percent)	10.9%	(percent)	20.3%	(percent)	54.5%

Table 27 Exhibit 20 EEO Statistics for Professionals

1. **Technical:** Not Applicable

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	(number)	(percent)	14.4%	(percent)	29.2%	(percent)	55.2%
2019	(number)	(percent)	14.4%	(percent)	29.2%	(percent)	55.2%
2020	(number)	(percent)	14.4%	(percent)	29.2%	(percent)	55.2%

Table 28 Exhibit 20 EEO Statistics for Technical

1. **Administrative Support:** Not Applicable

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	(number)	(percent)	14.3%	(percent)	36.4%	(percent)	71.6%
2019	(number)	(percent)	14.3%	(percent)	36.4%	(percent)	71.6%
2020	(number)	(percent)	14.3%	(percent)	36.4%	(percent)	71.6%

Table 29 Exhibit 20 EEO Statistics for Administrative Support

1. **Service / Maintenance:** Not Applicable

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	(number)	(percent)	13.2%	(percent)	52.4%	(percent)	52.0%
2019	(number)	(percent)	13.2%	(percent)	52.4%	(percent)	52.0%
2020	(number)	(percent)	13.2%	(percent)	52.4%	(percent)	52.0%

Table 30 Exhibit 20 EEO Statistics for Service and Maintenance

1. **Skilled Craft:** Not Applicable

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	(number)	(percent)	10.2%	(percent)	51.5%	(percent)	12.0%

2019	(number)	(percent)	10.2%	(percent)	51.5%	(percent)	12.0%
2020	(number)	(percent)	10.2%	(percent)	51.5%	(percent)	12.0%

Table 31 Exhibit 20 EEO Statistics for Skilled Craft

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

No. Not applicable

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

TLLRWDC is unique in that it is a creation of federal law that is funded by the State of Texas. As a result, it is often confused as an Agency of the State of Texas when it is not. Recent statutory additions confirm this fact. The work of the agency is quickly evolving as the number of nuclear reactors being decommissioned (that generates low level radioactive waste) is rapidly growing.