

**Purpose.** The licensee will follow this guidance to demonstrate and ensure that cumulative contract fees for each waste type in each of nonparty disposal contract meet the Minimum Price Requirement\* of Tex. Health & Safety Code sec. 2456 at all times. To ensure consistency with the requirement in Tex. Health & Safety Code sec. 245(b) that TCEQ consider “the relative hazard presented by each type of low-level radioactive waste” in setting the TCEQ rate, all calculations will be performed separately for different Waste Categories.\* All calculations and comparisons relate to gross receipts, and must be performed before the application of state or county fees. A nonparty shipment must not have an Actual Shipment Price\* that is Below Minimum,\* unless the difference is already covered by prior shipments in full compliance with this guidance.

**Initial Review.** Within sixty days of the start date for this guidance, the license holder will calculate a Two-Year Lookback\* for each Waste Category in each contract in effect at the start date, and compare it to what the TCEQ Fees\* for the same waste would have been had the waste been disposed of at the TCEQ Fees, and provide the calculations to TCEQ. If any Waste Category in any contract is Below Minimum, the license holder will immediately notify TCEQ and submit a plan to correct the situation.

**On-going Shipment Based Monitoring.** For each shipment after this guidance is issued, the license holder will project, based on draft manifest information, and will confirm after acceptance of the waste and prior to invoicing, that the Actual Shipment Price meets the requirements of this guidance. An Actual Shipment Price meets the requirements of this guidance if the 10 Shipment / 12 Month Lookback\* for the applicable Waste Category under the contract, including the Actual Shipment Price for the shipment in question, is Above Minimum.\* If a Nominal Shipment Price\* is Below Minimum, the license holder will charge an Alternative Minimum Price\* such that the Actual Shipment Price meets the requirements of this guidance, or else refuse the shipment.

**On-going Reporting to TCEQ.** With each quarterly report, license holder will include a spreadsheet demonstrating that each shipment in the applicable quarter meets the requirements of this guidance. For each shipment in the quarter, the spreadsheet must show: the Actual Shipment Price for that shipment, the TCEQ Fees that would have been charged for that shipment, and the relevant waste characteristics by which those TCEQ Fees were calculated. For each instance where the Actual Shipment Price is Below Minimum, the license holder will show the 10 Shipment / 12 Month Lookback amount for the same Waste Category under the applicable contract for that shipment, and the total TCEQ Fees that would have been charged for the same waste. In each such case the license holder will also attach a detailed calculation showing how the Lookback amount and the total TCEQ Fees were calculated, including the shipments, dates, and relevant waste characteristics for each shipment included in the 10 Shipment / 12 Month Lookback. If there is a discrepancy between the Actual Shipment Prices reported and the gross receipts on the quarterly report because of after-applied price adjustments or for any other reason, the license holder shall attach a narrative explanation for the discrepancy.

**Multiple Waste Categories.** If a shipment included in any of these calculations includes more than one Waste Category, the Actual Shipment Price for that shipment and the TCEQ Fees that would have been charged for it will each be allocated amongst the Waste Categories it included. The allocation method used must be acceptable to TCEQ. The same allocation method must be used in all calculations, unless TCEQ agrees to a change in methodology.