

SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE COMMISSION

1731 Howe Avenue #611, Sacramento, California 95825



October 4, 2023

Minutes of the 93rd Meeting of the
Southwestern Low-Level Radioactive Waste Commission

The 93rd meeting of the Southwestern Low-Level Radioactive Waste Commission was called to order by Chair Donna Earley at 1417 hrs. MDT on Wednesday, October 4th, 2023 in the Deer Valley Room at the Salt Lake Marriott Downtown at City Creek, 75 Southwest Temple, Salt Lake City, UT 84101.

Chair Earley asked for a voice roll call to determine a quorum. Members participating: Chair Earley, California, Vice Chair Goretzki, Arizona, Commissioner Peter Brierty, California, Commissioner Nick Emme, South Dakota & Commissioner Dale Patrick, North Dakota. Staff participating: Peter Baldrige, Counsel, and Ron Gaynor, Executive Director. A quorum was present. Chair Earley recognized Mr. Vern Rogers, Vice President of Energy Solutions, LLC, also in attendance. Mr. Rogers noted that Energy Solutions is a waste generator within the Compact and expressed his appreciation for the Commission's support. Chair Early also recognized Mr. Dan Shrum, Executive Director of the Low-Level Radioactive Waste Forum. Mr. Shrum expressed his appreciation for the Commission's support of the just-ended Forum conference.

Legal Counsel read the statement regarding due notice of the meeting. It was confirmed that the posting of the agenda was on September 18, 2023 which met all the requirements of the Bagley-Keene Open Meeting Act.

Commission Chair Report

Chair Earley had nothing to report.

Executive Director Report

Executive Director Ron Gaynor reported on his activities since the last Commission meeting in March. These included the following:

Conferences Attended

- **Exchange Monitor Radwaste Summit, June 6-8, Las Vegas, NV**

Other Activities

- **LLW Forum Board of Directors teleconferences**
- **LLW Forum agenda planning committee teleconferences**
- **Virtual attendance at meetings of the Texas-Vermont Compact Commission**
- **Organized Commission tours of WIPP and Urenco**
- **Presentation to CDPH RHB training session**
- **Planned and conducted generators' workshops in Burlingame and Santa Ana, CA**
- **Processed 86 export petitions from March through August**

Planned Activities for 2023

- **Arrange generators workshop in Phoenix in conjunction with Spring Commission meeting**
- **Waste Management '24 Symposium in Phoenix**
- **LLW Forum Spring Conference in Orlando**
- **Contact with Governor of CA regarding Commission vacancies**
- **Arrange Commission tour of Finland disposal facilities**
- **Other conferences as appropriate**

Licensing Agency Report

No representative of the California Department of Public Health, Radiologic Health Branch was able to attend the meeting, but John Fassel submitted the following report by telephone:

Mr. Fassel reported that there is no licensing activity ongoing relative to a new disposal facility in California. Ira Schneider has been promoted as the new Chief of the Radiologic Health Branch. There are currently 1666 materials licensees in the state. The numbers have been slowly declining, as has the volume of LLRW being produced. They are somewhat behind on inspections due to some recent computer problems. Expecting an IMPEP in October 2024. No new decommissioning activity expected, but still working on Treasure Island, Hunter's Point, Long Beach Navy facility Terminal Island.

License Designee Report

US Ecology, the "License Designee" was not in attendance; however, Ms. Sherry Frenette, Senior Manager, Radiological Programs, submitted the following statement via email:

"US Ecology is not presently undertaking efforts to develop a regional disposal facility for the Southwestern Compact region"

Party States Report

Vice Chair Goretzki reported that Arizona has 358 materials licensees. Expecting some new licensing activity for special nuclear materials (SNM) which will lead to a different waste stream than has been seen in Arizona.

Commissioner Patrick reported that North Dakota has a total of 142 specific licensees (73 materials licensees and 69 TENORM licensees, which are treated the same in North Dakota), and 32 reciprocity licensees. There are four new specific licenses and 6 new TENORM licenses in process. There is one vacancy in the agency, and candidates are currently being interviewed. Regulations are current with NRC requirements. Expecting an IMPEP in about one year. There was one shipment of a sealed source (a nuclear gauge). North Dakota requires specific licenses for all nuclear gauges. Unlike elsewhere, no nuclear gauges are generally licensed. Vitalant had two blood irradiators removed. There is one TENORM landfill approved in North Dakota. Not operational yet, until air monitoring system is in place with background established. A second TENORM landfill has applied for licensing and it is under the review process.

Commissioner Emme reported that there are 34 NRC licensees in South Dakota, since they are not an Agreement State.

Bylaws Amendment

Mr. Gaynor noted that legal counsel had brought it to his attention that the governing language in the Bylaws pertaining to travel expenses were based on California requirements that may not be appropriate for the Commissioners from the other party states. Mr. Gaynor proposed amending the Bylaws, as suggested by legal counsel, to be consistent with Federal (General Services Administration) rules.

Commissioner Patrick made a motion to approve the proposed Bylaws amendment. Motion was seconded by Vice Chair Goretzki. Motion passed unanimously by roll call vote.

Export Actions

Commissioner Emme noted that the Export Committee had reviewed all 86 petition approvals since the last meeting and had found no problems.

Ratification of Approved Petitions E-23-036 through E-23-090

Vice Chair Goretzki made a motion to ratify all petition approvals for the Energy Solutions, LLC facility. Commissioner Emme seconded the motion. Motion passed unanimously by roll call vote.

Ratification of Approved Petitions WCS-23-027 through WCS-23-053

Vice Chair Goretzki noted that WCS-23-047 involved a sealed source that had been collected from a scrap dealer and sequestered by AZDHS until the responsible party could be identified and disposal arranged. Since the source was shipped from his facility, he recused himself from voting on the ratification of this petition approval.

Vice Chair Goretzki made a motion to ratify all petition approvals for the Waste Control Specialists, LLC facility, with the exception of WCS-23-047. Commissioner Brierty seconded the motion. Motion passed unanimously by roll call vote.

Commissioner Emme made a motion to ratify the petition approval for WCS-23-047. Commissioner Brierty seconded the motion. Motion passed unanimously by roll call vote, with Vice Chair Goretzki abstaining.

Amend "Policy of the Southwestern Low-Level Radioactive Waste Commission Regarding Exportation of Various Low-Level Radioactive Waste Streams" to extend the effective date.

Vice Chair Goretzki made a motion to amend the Policy to extend the effective date to December 31, 2024. Motion seconded by Commissioner Patrick. Motion passed unanimously by roll call vote.

Amend "Requirements for Exportation Petitions for Low-Level Radioactive Waste Streams" to extend effective date.

Vice Chair Goretzki made a motion to extend the effective date to December 31, 2024. Motion was seconded by Commissioner Emme. Motion passed unanimously by roll call vote.

Approve new petitions and effective date.

Mr. Gaynor presented the revised petitions effective November 1, 2023 through December 31, 2024.

Commissioner Brierty made a motion to approve the revised export petitions. Motion was seconded by Vice Chair Goretzki. Motion passed unanimously by roll call vote.

Financial Audit Report

Mr. Gaynor presented the financial audit prepared by Boden Klein & Sneesby, in Roseville, CA.

Commissioner Brierty made a motion to accept the financial audit. Commissioner Patrick seconded the motion. Motion was unanimously approved by roll call vote.

Alaron shipments misrepresenting generator - Status of generator invoicing

Mr. Gaynor updated the Commissioners on the situation where Alaron had been sending waste to the WCS facility, claiming themselves as the generator, when the actual generator was someone else. In the last Commission meeting, the Commissioners voted to invoice the actual generators that are located in the Southwestern Compact Region for export petition fees that were in effect at the time of shipment. Mr. Gaynor reported that thirty-nine invoices had been issued. Six of the generators were able to produce documentation that they actually had approved export petitions for the shipments. Eight generators have paid their invoices. Two generators have since closed their locations with no forwarding information.

Mr. Gaynor stated that he will continue to monitor the others, and expects that there will be new export petitions from some of them in the coming year. This should provide an opportunity for resolution of many of the outstanding invoices.

Executive Session

The Commissioners adjourned to closed executive session pursuant to CA Gov. Code §11126(a)(1) to discuss staff performance evaluations.

Review and Approve Executive Director's and Counsel's Contracts

After reconvening the general meeting, Commissioner Brierty expressed to Mr. Baldrige that the Commission is pleased with the work he is doing and with his participation in the LLW Forum conferences. Chair Earley asked for a motion regarding the Counsel's contract. **Commissioner Patrick made a motion to renew Counsel's contract for one year, effective January 1, 2024, with a 5% increase in contract fees. Motion was seconded by Commissioner Emme. Motion passed unanimously by roll call vote.**

Commissioner Brierty then summarized the Commissioners' reviews of Mr. Gaynor's performance as Executive director. Chair Early then asked for a motion regarding the Executive Director's contract. **Vice Chair Goretzki made a motion to amend the Executive Director's current contract to increase the fee by 5% effective January 1, 2024. Motion was seconded by Commissioner Patrick. Motion passed unanimously by roll call vote.**

Annual Governors' Report Review

Mr. Gaynor presented the Draft Annual Governors' Report for review by the Commissioners. **Vice Chair Goretzki made a motion to accept the Draft Annual Governors' Report for finalization and submittal to the Southwestern Compact Region's Governors. Motion was seconded by Commissioner Emme. Motion passed unanimously by roll call vote.**

Amend Fiscal Year 2023-24 Budget

Mr. Gaynor presented the proposed amendments to the FY 2023-24 budget. This included an increase in projected income to a total of \$340,000. Contractor fees were also increased to \$198,000. Vice Chair Goretzki suggested that Contractor Fees be increased to \$200,000 in view of Commission actions earlier in this meeting. **Commissioner Brierty made a motion that the Amended Budget be accepted with a \$2,000 increase in Contractor Fees. Motion was seconded by Commissioner Patrick. Motion passed unanimously by roll call vote.**

AMENDED BUDGET FISCAL YEAR 2023-24

Approved by Commission 10/4/23

INCOME

Interest	30,000
Exportation Fees	300,000
Workshop	10,000
Refund/Overcharge	0
TOTAL INCOME	\$340,000

EXPENSES

Contractor Fees	200,000
Travel (Staff & Commissioners)	52,000
Telephone & Internet	1,700
Electronic (website, support, security)	3,500
Postage and mail services	2,050
Auditing Service	6,000
Professional services (P/T office help)	3,000
Bond	400
Office Expense	600
Meeting Expenses	4,700
Dues & Subscriptions	10,200
Insurance	16,000
Workshop Expense	10,000
Misc. (printing, bank charges, legal education)	500
Rebates	0
Conference Registration Fees	7,000
TOTAL EXPENSES	\$312,650
NET INCOME	\$22,350

Approve Fiscal Year 2024-25 Budget

Mr. Gaynor presented the proposed budget for FY 2024-25. Income is conservatively estimated at \$340,000, assuming no interruption of the current decommissioning plans. Contractor fees are estimated at \$215,000. **Commissioner Brierty made a motion to accept the proposed FY 2024-25 Budget. Motion was seconded by Commissioner Emme. Motion passed unanimously by roll call vote.**

APPROVED BUDGET FISCAL YEAR 2024-25

Approved by Commission 10/4/23

INCOME

Interest	30,000
Exportation Fees	300,000
Workshop	10,000
Refund/Overcharge	0
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TOTAL INCOME	\$340,000

EXPENSES

Contractor Fees	215,000
Travel (Staff & Commissioners)	55,000
Telephone & Internet	1,800
Electronic (website, support, security)	3,500
Postage and mail services	2,200
Auditing Service	6,500
Professional services (P/T office help)	3,000
Bond	450
Office Expense	650
Meeting Expenses	4,800
Dues & Subscriptions	10,700
Insurance	17,000
Workshop Expense	10,000
Misc. (printing, bank charges, legal education)	600
Rebates	0
Conference Registration Fees	7,000
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TOTAL EXPENSES	\$338,200
NET INCOME	\$1,800

Discuss and Adopt Fee Schedule

Vice Chair Goretzki expressed concern that the Commission's income from export fees is likely to drastically decrease in 6-10 years when utility decommissioning activities in California are expected to be complete. The Commissioners agreed that it would be prudent to build reserves gradually during that time to support the Commission's responsibilities to the other waste generators for as long as practical.

This would avoid precipitous and significant fee increases on the majority of generators when the waste disposal volumes decrease. After discussion of options the following action was taken. **Vice Chair Goretzki made a motion to increase petition fees to a minimum charge of \$575 for volumes up to 250 cubic feet, \$2.40/cubic foot for volumes between 250 cubic feet and 40,000 cubic feet, and \$0.20/cubic foot for volumes above 40,000 cubic feet. Motion was seconded by Commissioner Patrick. Motion passed unanimously by roll call vote.**

Review and Approve Updated Office Procedures

Mr. Gaynor presented proposed changes to the Office Procedures which are primarily related to moving the office from the previous Executive Director's residence to the new Executive Director's residence. **Commissioner Patrick made a motion to accept the proposed changes. Motion was seconded by Commissioner Emme. Motion was passed unanimously by voice vote.**

Public Comment

No comment was offered by the public.

Election of Officers

Chair Donna Earley nominated Brian Goretzki to another term as Commission Vice Chair. Commissioner Brierty made a motion to elect Brian Goretzki as Commission Vice Chair. Commissioner Emme seconded the motion. Motion was unanimously passed by roll call vote.

Vice Chair Goretzki made a motion to elect Donna Earley to another term as Commission Chair. Motion was seconded by Commissioner Brierty. Motion passed unanimously by roll call vote.

Future Agenda Items

- Vice Chair Goretzki suggested information or site visits related to new technologies such as SMRs and fusion.
- Commissioner Emme asked for continuing Alaron generator updates
- Vice Chair Goretzki suggested a visit to APS Palo Verde to determine the reasons for differences in waste volumes between Palo Verde and PGE Diablo Canyon
- Vice Chair Goretzki offered a visit to Mayo Clinic cyclotron/proton accelerator
- Vice Chair Goretzki offered a visit to ASU 20,000 ci Cobalt unit

Next Meetings and Locations

Mr. Gaynor mentioned that he and Vice Chair Goretzki had been considering a generators' workshop to be held in Phoenix at the same time as the WM24 Symposium, which will be held March 10-14, 2024. He suggested that the Commission consider holding the spring meeting on the same day as the workshop. After discussion, it was decided to plan for a workshop and Commission meeting on the same day during the period of March 11-13. That would allow for the Commissioners to possibly attend the WM24 Expo the day before or after. Vice Chair Goretzki volunteered that he could arrange for a tour to one of the sites near Phoenix listed above on the other contiguous day.

The meeting was adjourned at 1552 hrs.

DocuSigned by:
Donna Earley
Chair Earley _____ Dated 11/2/2023
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